amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5462. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5463. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5464. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5465. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5466. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5467. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5468. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5469. Ms. HASSAN proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5470. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5471. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5472. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5473. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5474. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5475. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5476. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5477. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5478. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5479. Mr. CRAPO (for himself, Mr. MARSHALL, Mr. DAINES, Mr. TILLIS, Mr. BURR, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5480. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5481. Mr. BARRASSO (for himself and Mr. MARSHALL) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5482. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5483. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5484. Mr. GRASSLEY (for himself, Mr. BRAUN, Mr. CASSIDY, Ms. COLLINS, Ms. MURKOWSKI, Mr. PORTMAN, Ms. ERNST, Mr. DAINES, Mrs. BLACKBURN, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5485. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5486. Mr. MERKLEY (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5487. Mr. GRAHAM (for himself, Mr. DAINES, Ms. ERNST, Mrs. FISCHER, Mr. PORTMAN, Mr. BARRASSO, and Ms. MURKOWSKI) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5488. Mr. WARNER proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

TEXT OF AMENDMENTS

SA 5196. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCOME CAP ON TEMPORARY INCREASE IN PREMIUM TAX CREDIT.

(a) IN GENERAL.—The table contained in clause (iii) of section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended by striking ''and higher'' in the last line and inserting ''up to 750.0 percent''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5197. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 70002 and insert the following:

SEC. 70002. UNITED STATES POSTAL SERVICE CLEAN FLEETS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code, $3,000,000,000, to remain available through September 30, 2031, for—

(1) the purchase of zero-emission delivery vehicles; and

(2) the purchase, design, and installation of the requisite infrastructure to support zero-emission delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.

(b) REQUIREMENTS.—The United States Postal Service shall—

(1) conduct a publicly available cost-benefit analysis to analyze costs versus savings of the purchase of zero-emission delivery vehicles compared to internal combustion engine delivery vehicles over the life span of the vehicle; and

(2) ensure that the zero-emission delivery vehicles purchased using amounts appropriated under subsection (a) are placed in areas and on routes that make the most economical sense.

SA 5198. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 1194 of the Social Security Act, as added by part 1 of subtitle B of title I, add at the end the following:

''(h) LIMITATION ON USE OF CERTAIN GOODS MANUFACTURED WITH WAIVED INTELLECTUAL PROPERTY RIGHTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), goods subject to negotiation or renegotiation under subsection (a) may not be purchased by an official or agency of the United States for use outside the United States or imported by a United States person for domestic consumption if the manufacturer of those goods has utilized the intellectual property of a United States person without their consent on the basis that the rights of that person to that intellectual property have been waived in the country of origin of the manufacturer because of a waiver of a provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights, including the Ministerial Decision on the TRIPS Agreement adopted on June 17, 2022.

''(2) EXCEPTION.—Paragraph (1) shall not apply if the President submits to Congress a certification that the United States Trade Representative will not support or facilitate the negotiation or approval of any measure at the World Trade Organization that weakens any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights with respect to a pharmaceutical, therapeutic, diagnostic, or other biotechnology commodity produced in the United States.

SA 5199. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. REMOVAL OF AFGHAN NATIONALS WHO APPEAR ON THE BIOMETRICS-ENABLED WATCHLIST.

Federal funds appropriated under this Act may not be obligated or otherwise made available until after the President certifies to Congress that the 324 Afghan nationals residing in the United States as of the date of the enactment of this Act who appear on the

biometrics-enabled watchlist of the Department of Defense have been apprehended by U.S. Immigration and Customs Enforcement.

SA 5200. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title II, insert the following:

SEC. 20_____. PROHIBITION.

No support or incentive under this title may be provided for an agricultural real estate holding wholly or partly owned by a person that is a national of, or is organized under the laws or otherwise subject to the jurisdiction of, a country—

(1) designated as a nonmarket economy country pursuant to section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18)); or

(2) identified as a country that poses a risk to the national security of the United States in the most recent annual report on worldwide threats issued by the Director of National Intelligence pursuant to section 108B of the National Security Act of 1947 (50 U.S.C. 3043b) (commonly known as the ''Annual Threat Assessment'').

SA 5201. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 11301.

SA 5202. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 342, line 15, strike ''assigned.'' and insert the following: ''assigned, and

''(D) without any discretion or possibility for an exemption, certify that no forced labor was utilized in any part of the production of the specified property, including any part of the manufacturing supply chain for the property from the mining of the materials to the assembly of the property.

SA 5203. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60107 and all that follows through section 60201 and insert the following:

SEC. 60107. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60108. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60109. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60110. GREENHOUSE GAS CORPORATE REPORTING.

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

SEC. 60111. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, and enhanced standardization and transparency, of environmental product declarations for construction materials and products, including by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G)

of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration, as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60112. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60103 of this Act, the following:

''SEC. 135. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations;

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide support for communities, including funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) permanently shutting in and plugging wells on non-Federal land;

''(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(F) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, including the costs of implementing the waste emissions charge under subsection (c), preparing inventories, gathering empirical data, and tracking emissions.

''(b) INCENTIVES FOR METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

''(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

''(d) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing.

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2024;

''(B) $1,200 for emissions reported for calendar year 2025; or

''(C) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

''(f) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

''(A) 0.20 percent of the natural gas sent to sale from such facility; or

''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from such facility.

''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from such facility.

''(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).

''(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.

''(6) EXEMPTION FOR REGULATORY COMPLIANCE.—

''(A) IN GENERAL.—Charges shall not be imposed pursuant to subsection (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—

''(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and

''(ii) compliance with the requirements described in clause (i) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled 'Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review' (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.

''(B) RESUMPTION OF CHARGE.—If the conditions in clause (i) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (i) or (ii) of that subparagraph are no longer met.

''(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with all applicable closure requirements, as determined by the Administrator.

''(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

''(h) IMPLEMENTATION.—In addition to other authorities in this Act addressing air pollution from the oil and natural gas sectors, the Administrator may issue guidance or regulations as necessary to carry out this section.

''(i) REPORTING.—Not later than 2 years after the date of enactment of this section, and as necessary thereafter, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations, to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions

and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

''(j) LIABILITY FOR CHARGE PAYMENT.—Except as established under this section, a facility owner or operator's liability for payment of the charge under subsection (c) is not affected in any way by emission standards, permit fees, penalties, or other requirements under this Act or any other legal authorities.

''(k) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60113. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60112 of this Act, the following:

''SEC. 136. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

''(a) APPROPRIATIONS.—

''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, including providing technical assistance to eligible entities, developing a plan that could be used as a model by grantees in developing a plan under subsection (b), and modeling the effects of plans described in this section.

''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding—

''(A) the degree to which greenhouse gas air pollution is projected to be reduced, including with respect to low-income and disadvantaged communities; and

''(B) the quantifiability, specificity, additionality, permanence, and verifiability of such projected greenhouse gas air pollution reduction.

''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an air pollution control agency;

''(C) a municipality;

''(D) an Indian tribe; and

''(E) a group of one or more entities listed in subparagraphs (A) through (D).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60114. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60115. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label low-embodied carbon construction materials and products based on—

(1) environmental product declarations;

(2) determinations of the California Department of General Services Procurement Division, in consultation with the California Air Resources Board; or

(3) determinations by other State agencies, as verified by the Administrator of the Environmental Protection Agency.

(b) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.—The term ''low-embodied carbon construction materials and products'' means construction materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to estimated industry averages of similar materials or products.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

''SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)) emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts

made available under subsection (a) for administrative costs to carry out this section.''.

SA 5204. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50121 through 50123 and insert the following:

SEC. 50121. HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,300,000,000, to remain available through September 30, 2031, to carry out a program to award grants to State energy offices to develop and implement a HOMES rebate program.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall reserve funds made available under paragraph (1) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a HOMES rebate program using a grant received under this section in proportion to the amount distributed to those State energy offices under subparagraph (A)(ii).

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office seeking a grant under this section shall submit to the Secretary an application that includes a plan to implement a HOMES rebate program, including a plan—

(1) to use procedures, as approved by the Secretary, for determining the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit that is calibrated to historical energy usage for a home consistent with BPI 2400, for purposes of modeled performance home rebates;

(2) to use open-source advanced measurement and verification software, as approved by the Secretary, for determining and documenting the monthly and hourly (if available) weather-normalized energy use of a home before and after the implementation of a home energy efficiency retrofit, for purposes of measured performance home rebates;

(3) to value savings based on time, location, or greenhouse gas emissions;

(4) for quality monitoring to ensure that each home energy efficiency retrofit for which a rebate is provided is documented in a certificate that—

(A) is provided by the contractor and certified by a third party to the homeowner; and

(B) details the work performed, the equipment and materials installed, and the projected energy savings or energy generation to support accurate valuation of the retrofit;

(5) to provide a contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim a rebate $200 for each home located in an underserved community that receives a home energy efficiency retrofit for which a rebate is provided under the program; and

(6) to ensure that a homeowner or aggregator does not receive a rebate for the same upgrade through both a HOMES rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(8).

(c) HOMES REBATE PROGRAM.—

(1) IN GENERAL.—A HOMES rebate program carried out by a State energy office receiving a grant pursuant to this section shall provide rebates to homeowners and aggregators for whole-house energy saving retrofits begun on or after the date of enactment of this Act and completed by not later than September 30, 2031.

(2) AMOUNT OF REBATE.—Subject to paragraph (3)(B), under a HOMES rebate program, the amount of a rebate shall not exceed—

(A) for individuals and aggregators carrying out energy efficiency upgrades of single-family homes—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $2,000; and

(II) 50 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $4,000; and

(II) 50 percent of the project cost; and

(iii) for measured energy savings, in the case of a home or portfolio of homes that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average home in the State; or

(II) 50 percent of the project cost;

(B) for multifamily building owners and aggregators carrying out energy efficiency upgrades of multifamily buildings—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, $2,000 per dwelling unit, with a maximum of $200,000 per multifamily building;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, $4,000 per dwelling unit, with a maximum of $400,000 per multifamily building; or

(iii) for measured energy savings, in the case of a multifamily building or portfolio of multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use per dwelling unit for the average multifamily building in the State; or

(II) 50 percent of the project cost; and

(C) for individuals and aggregators carrying out energy efficiency upgrades of a single-family home occupied by a low- or moderate-income household or a multifamily building not less than 50 percent of the dwelling units of which are occupied by low- or moderate-income households—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $4,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $8,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(iii) for measured energy savings, in the case of a single-family home, multifamily building, or portfolio of single-family homes or multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $4,000 for a 20 percent reduction of energy use per single-family home or dwelling unit, as applicable, for the average single-family home or multifamily building in the State; or

(II) 80 percent of the project cost.

(3) REBATES TO LOW- OR MODERATE-INCOME HOUSEHOLDS.—

(A) IN GENERAL.—A State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section is encouraged to provide rebates, to the maximum extent practicable, to low- or moderate-income households.

(B) INCREASE IN REBATE AMOUNT.—On approval from the Secretary, notwithstanding paragraph (2), a State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section may increase rebate amounts for low- or moderate-income households.

(4) USE OF FUNDS.—A State energy office that receives a grant pursuant to this section may use not more than 20 percent of the grant amount for planning, administration, or technical assistance related to a HOMES rebate program.

(5) DATA ACCESS GUIDELINES.—The Secretary shall develop and publish guidelines for States relating to residential electric and natural gas energy data sharing.

(6) COORDINATION.—In carrying out this section, the Secretary shall coordinate with State energy offices to ensure that HOMES rebate programs for which grants are provided under this section are developed to achieve maximum greenhouse gas emissions reductions and household energy and costs savings regardless of source energy.

(7) EXEMPTION.—Activities carried out by a State energy office using a grant awarded pursuant to this section shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(8) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office under a HOMES rebate program may not be combined with any other Federal grant or rebate for the same single upgrade.

(d) DEFINITIONS.—In this section:

(1) HOMES REBATE PROGRAM.—The term ''HOMES rebate program'' means a Home Owner Managing Energy Savings rebate program established by a State energy office as part of an approved State energy conservation plan under the State Energy Program.

(2) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 80 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 80 percent of area median income.

(3) UNDERSERVED COMMUNITY.—The term ''underserved community'' means—

(A) a community located in a ZIP code that includes 1 or more census tracts that include—

(i) a low-income community; or

(ii) a community of racial or ethnic minority concentration; and

(B) any other community that the Secretary determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.

SEC. 50122. STATE-BASED HOME ENERGY EFFICIENCY CONTRACTOR TRAINING GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2031, to carry out a program to provide financial assistance to States to develop and implement a State program described in section 362(d)(13) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(13)), which shall provide training and education to contractors involved in the installation of home energy efficiency and electrification improvements, including improvements eligible for rebates under a HOMES rebate program (as defined in section 50121(d)), as part of an approved State energy conservation plan under the State Energy Program.

(b) USE OF FUNDS.—A State may use amounts received under subsection (a)—

(1) to reduce the cost of training contractor employees;

(2) to provide testing and certification of contractors trained and educated under a State program developed and implemented pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(c) ADMINISTRATIVE EXPENSES.—Of the amounts received by a State under subsection (a), a State shall use not more than 10 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.

SA 5205. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50261 and all that follows through section 60201 and insert the following:

SEC. 50261. LEASE SALES UNDER THE 2017–2022 OUTER CONTINENTAL SHELF LEASING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) 2022 LEASE SALES.—The term ''2022 Lease Sales'' means each of the following lease sales described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)):

(A) Lease Sale 258.

(B) Lease Sale 259.

(2) LEASE SALE 257.—The term ''Lease Sale 257'' means the lease sale numbered 257 that was approved in the Record of Decision described in the notice of availability of a record of decision issued on August 31, 2021, entitled ''Gulf of Mexico, Outer Continental Shelf (OCS), Oil and Gas Lease Sale 257'' (86 Fed. Reg. 50160 (September 7, 2021)), and is the subject of the final notice of sale entitled ''Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257'' (86 Fed. Reg. 54728 (October 4, 2021)).

(3) LEASE SALE 261.—The term ''Lease Sale 261'' means the lease sale numbered 261 described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)).

(b) LEASE SALE 257 REINSTATEMENT.—

(1) ACCEPTANCE OF BIDS.—Not later 30 days after the date of enactment of this Act, the Secretary shall, without modification or delay—

(A) accept the highest valid bid for each tract or bidding unit of Lease Sale 257 for which a valid bid was received on November 17, 2021; and

(B) provide the appropriate lease form to the winning bidder to execute and return.

(2) LEASE ISSUANCE.—On receipt of an executed lease form under paragraph (1)(B) and payment of the rental for the first year, the balance of the bonus bid (unless deferred), and any required bond or security from the high bidder, the Secretary shall promptly issue to the high bidder a fully executed lease, in accordance with—

(A) the regulations in effect on the date of Lease Sale 257; and

(B) the terms and conditions of the final notice of sale entitled ''Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257'' (86 Fed. Reg. 54728 (October 4, 2021)).

(c) REQUIREMENT FOR 2022 LEASE SALES.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than December 31, 2022, the Secretary shall conduct the 2022 Lease Sales in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

(d) REQUIREMENT FOR LEASE SALE 261.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than September 30, 2023, the Secretary shall conduct Lease Sale 261 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

SEC. 50262. ENSURING ENERGY SECURITY.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(2) OFFSHORE LEASE SALE.—The term ''offshore lease sale'' means an oil and gas lease sale—

(A) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(B) that, if any acceptable bids have been received for any tract offered in the lease sale, results in the issuance of a lease.

(3) ONSHORE LEASE SALE.—The term ''onshore lease sale'' means a quarterly oil and gas lease sale—

(A) that is held by the Secretary in accordance with section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(B) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(b) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—During the 10-year period beginning on the date of enactment of this Act—

(1) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(A) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(B) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of—

(i) 2,000,000 acres; and

(ii) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period; and

(2) the Secretary may not issue a lease for offshore wind development under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(A) an offshore lease sale has been held during the 1-year period ending on the date of the issuance of the lease for offshore wind development; and

(B) the sum total of acres offered for lease in offshore lease sales during the 1-year period ending on the date of the issuance of the lease for offshore wind development is not less than 60,000,000 acres.

(c) SAVINGS.—Except as expressly provided in paragraphs (1) and (2) of subsection (b), nothing in this section supersedes, amends, or modifies existing law.

PART 7—UNITED STATES GEOLOGICAL SURVEY

SEC. 50271. UNITED STATES GEOLOGICAL SURVEY 3D ELEVATION PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the United States Geological Survey, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,500,000, to remain available through September 30, 2031, to produce, collect, disseminate, and use 3D elevation data.

PART 8—OTHER NATURAL RESOURCES MATTERS

SEC. 50281. DEPARTMENT OF THE INTERIOR OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available through September 30, 2031, for oversight by the Department of the Interior Office of Inspector General of the Department of the Interior activities for which funding is appropriated in this subtitle.

Subtitle C—Environmental Reviews

SEC. 50301. DEPARTMENT OF ENERGY.

In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available through September 30, 2031, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

SEC. 50302. FEDERAL ENERGY REGULATORY COMMISSION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Federal Energy Regulatory Commission for fiscal year 2022, out of any money in the

Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

(b) FEES AND CHARGES.—Section 3401(a) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 7178(a)) shall not apply to the costs incurred by the Federal Energy Regulatory Commission in carrying out this section.

SEC. 50303. DEPARTMENT OF THE INTERIOR.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2026, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations by the National Park Service, the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Reclamation, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement.

TITLE VI—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Subtitle A—Air Pollution

SEC. 60101. CLEAN HEAVY-DUTY VEHICLES.

The Clean Air Act is amended by inserting after section 131 of such Act (42 U.S.C. 7431) the following:

''SEC. 132. CLEAN HEAVY-DUTY VEHICLES.

''(a) APPROPRIATIONS.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until September 30, 2031, to carry out this section.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air pollutant.

''(3) RESERVATION.—Of the funds appropriated by paragraph (1), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section.

''(b) PROGRAM.—Beginning not later than 180 days after the date of enactment of this section, the Administrator shall implement a program to make awards of grants and rebates to eligible recipients, and to make awards of contracts to eligible contractors for providing rebates, for up to 100 percent of costs for—

''(1) the incremental costs of replacing an eligible vehicle that is not a zero-emission vehicle with a zero-emission vehicle, as determined by the Administrator based on the market value of the vehicles;

''(2) purchasing, installing, operating, and maintaining infrastructure needed to charge, fuel, or maintain zero-emission vehicles;

''(3) workforce development and training to support the maintenance, charging, fueling, and operation of zero-emission vehicles; and

''(4) planning and technical activities to support the adoption and deployment of zero-emission vehicles.

''(c) APPLICATIONS.—To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall prescribe.

''(d) DEFINITIONS.—For purposes of this section:

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means a contractor that has the capacity—

''(A) to sell, lease, license, or contract for service zero-emission vehicles, or charging or other equipment needed to charge, fuel, or maintain zero-emission vehicles, to individuals or entities that own, lease, license, or contract for service an eligible vehicle; or

''(B) to arrange financing for such a sale, lease, license, or contract for service.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a municipality;

''(C) an Indian tribe; or

''(D) a nonprofit school transportation association.

''(3) ELIGIBLE VEHICLE.—The term 'eligible vehicle' means a Class 6 or Class 7 heavy-duty vehicle as defined in section 1037.801 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this section).

''(4) ZERO-EMISSION VEHICLE.—The term 'zero-emission vehicle' means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)).''.

SEC. 60102. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

The Clean Air Act is amended by inserting after section 132 of such Act, as added by section 60101 of this Act, the following:

''SEC. 133. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

''(a) APPROPRIATIONS.—

''(1) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,250,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients on a competitive basis—

''(A) to purchase or install zero-emission port equipment or technology for use at, or to directly serve, one or more ports;

''(B) to conduct any relevant planning or permitting in connection with the purchase or installation of such zero-emission port equipment or technology; and

''(C) to develop qualified climate action plans.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $750,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients to carry out activities described in paragraph (1) with respect to ports located in air quality areas designated pursuant to section 107 as nonattainment for an air pollutant.

''(b) LIMITATION.—Funds awarded under this section shall not be used by any recipient or subrecipient to purchase or install zero-emission port equipment or technology that will not be located at, or directly serve, the one or more ports involved.

''(c) ADMINISTRATION OF FUNDS.—Of the funds made available by this section, the Administrator shall reserve 2 percent for administrative costs necessary to carry out this section.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a port authority;

''(B) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

''(C) an air pollution control agency; or

''(D) a private entity (including a nonprofit organization) that—

''(i) applies for a grant under this section in partnership with an entity described in any of subparagraphs (A) through (C); and

''(ii) owns, operates, or uses the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).

''(3) QUALIFIED CLIMATE ACTION PLAN.—The term 'qualified climate action plan' means a detailed and strategic plan that—

''(A) establishes goals, implementation strategies, and accounting and inventory practices (including practices used to measure progress toward stated goals) to reduce emissions at one or more ports of—

''(i) greenhouse gases;

''(ii) an air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(iii) hazardous air pollutants;

''(B) includes a strategy to collaborate with, communicate with, and address potential effects on stakeholders that may be affected by implementation of the plan, including low-income and disadvantaged near-port communities; and

''(C) describes how an eligible recipient has implemented or will implement measures to increase the resilience of the one or more ports involved, including measures related to withstanding and recovering from extreme weather events.

''(4) ZERO-EMISSION PORT EQUIPMENT OR TECHNOLOGY.—The term 'zero-emission port equipment or technology' means human-operated equipment or human-maintained technology that—

''(A) produces zero emissions of any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant) and any greenhouse gas other than water vapor; or

''(B) captures 100 percent of the emissions described in subparagraph (A) that are produced by an ocean-going vessel at berth.''.

SEC. 60103. GREENHOUSE GAS REDUCTION FUND.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60102 of this Act, the following:

''SEC. 134. GREENHOUSE GAS REDUCTION FUND.

''(a) APPROPRIATIONS.—

''(1) ZERO-EMISSION TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section,

to States, municipalities, Tribal governments, and eligible recipients for the purposes of providing grants, loans, or other forms of financial assistance, as well as technical assistance, to enable low-income and disadvantaged communities to deploy or benefit from zero-emission technologies, including distributed technologies on residential rooftops, and to carry out other greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section.

''(2) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $11,970,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in accordance with subsection (b).

''(3) LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $8,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

''(4) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2031, for the administrative costs necessary to carry out activities under this section.

''(b) USE OF FUNDS.—An eligible recipient that receives a grant pursuant to subsection (a) shall use the grant in accordance with the following:

''(1) DIRECT INVESTMENT.—The eligible recipient shall—

''(A) provide financial assistance to qualified projects at the national, regional, State, and local levels;

''(B) prioritize investment in qualified projects that would otherwise lack access to financing; and

''(C) retain, manage, recycle, and monetize all repayments and other revenue received from fees, interest, repaid loans, and all other types of financial assistance provided using grant funds under this section to ensure continued operability.

''(2) INDIRECT INVESTMENT.—The eligible recipient shall provide funding and technical assistance to establish new or support existing public, quasi-public, not-for-profit, or nonprofit entities that provide financial assistance to qualified projects at the State, local, territorial, or Tribal level or in the District of Columbia, including community- and low-income-focused lenders and capital providers.

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a nonprofit organization that—

''(A) is designed to provide capital, including by leveraging private capital, and other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services;

''(B) does not take deposits other than deposits from repayments and other revenue received from financial assistance provided using grant funds under this section;

''(C) is funded by public or charitable contributions; and

''(D) invests in or finances projects alone or in conjunction with other investors.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).

''(3) QUALIFIED PROJECT.—The term 'qualified project' includes any project, activity, or technology that—

''(A) reduces or avoids greenhouse gas emissions and other forms of air pollution in partnership with, and by leveraging investment from, the private sector; or

''(B) assists communities in the efforts of those communities to reduce or avoid greenhouse gas emissions and other forms of air pollution.

''(4) PUBLICLY AVAILABLE EQUIPMENT.—The term 'publicly available equipment' means equipment that—

''(A) is located at a multi-unit housing structure;

''(B) is located at a workplace and is available to employees of such workplace or employees of a nearby workplace; or

''(C) is at a location that is publicly accessible for a minimum of 12 hours per day at least 5 days per week and networked or otherwise capable of being monitored remotely.

''(5) ZERO-EMISSION TECHNOLOGY.—The term 'zero-emission technology' means any technology that produces zero emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas.''.

SEC. 60104. DIESEL EMISSIONS REDUCTIONS.

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

SEC. 60105. FUNDING TO ADDRESS AIR POLLUTION.

(a) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(b) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(1) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(2) to replace, repair, operate, and maintain existing monitors.

(c) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(d) EMISSIONS FROM WOOD HEATERS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(e) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(f) CLEAN AIR ACT GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(g) OTHER ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $45,000,000, to remain available until September 30, 2031, to carry out, with respect to greenhouse gases, sections 111, 115, 165, 177, 202, 211, 213, 231, and 612 of the Clean Air Act (42 U.S.C. 7411, 7415, 7475, 7507, 7521, 7545, 7547, 7571, and 7671k).

(h) GREENHOUSE GAS AND ZERO-EMISSION STANDARDS FOR MOBILE SOURCES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources pursuant to section 177 of the Clean Air Act (42 U.S.C. 7507).

(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60106. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce air pollution and greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

SEC. 60107. LOW EMISSIONS ELECTRICITY PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60103 of this Act, the following:

''SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

''(1) $17,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(2) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(3) $17,000,000 for industry-related outreach and technical assistance, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(4) $17,000,000 for outreach and technical assistance to State, Tribal, and local governments, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

''(6) $18,000,000 to carry out this section to ensure that reductions in greenhouse gas emissions from domestic electricity generation and use are achieved through use of the authorities of this Act, including through the establishment of requirements under this Act, incorporating the assessment under paragraph (5) as a baseline.

''(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

''(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60108. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60109. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60110. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60111. GREENHOUSE GAS CORPORATE REPORTING.

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

SEC. 60112. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and

carry out a program to support the development, and enhanced standardization and transparency, of environmental product declarations for construction materials and products, including by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration, as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60113. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60107 of this Act, the following:

''SEC. 136. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

''(a) APPROPRIATIONS.—

''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, including providing technical assistance to eligible entities, developing a plan that could be used as a model by grantees in developing a plan under subsection (b), and modeling the effects of plans described in this section.

''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding—

''(A) the degree to which greenhouse gas air pollution is projected to be reduced, including with respect to low-income and disadvantaged communities; and

''(B) the quantifiability, specificity, additionality, permanence, and verifiability of such projected greenhouse gas air pollution reduction.

''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an air pollution control agency;

''(C) a municipality;

''(D) an Indian tribe; and

''(E) a group of one or more entities listed in subparagraphs (A) through (D).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60114. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60115. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label low-embodied carbon construction materials and products based on—

(1) environmental product declarations;

(2) determinations of the California Department of General Services Procurement Division, in consultation with the California Air Resources Board; or

(3) determinations by other State agencies, as verified by the Administrator of the Environmental Protection Agency.

(b) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.—The term ''low-embodied carbon construction materials and products'' means construction materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to estimated industry averages of similar materials or products.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

''SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)) emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.''.

SA 5206. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. LIMITATION ON OBLIGATION OR EXPENDITURE OF FUNDS.

(a) IN GENERAL.—None of the amounts made available under this Act, or an amendment made by this Act, may be obligated or expended until the date on which all amounts described in subsection (b) have been expended.

(b) AMOUNTS.—The amounts described in this subsection are amounts made available under—

(1) the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4);

(2) the Families First Coronavirus Response Act (Public Law 116–127; 134 Stat. 178);

(3) the CARES Act (Public Law 116–136; 134 Stat. 281);

(4) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620);

(5) division M or N of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1909); or

(6) an amendment made by an Act or division described in paragraphs (1) through (5).

SA 5207. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle E—Health Savings Accounts

SEC. 14001. INCREASE IN CONTRIBUTION LIMITATIONS.

(a) IN GENERAL.—Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The amount allowable as a deduction under subsection (a) to an individual for the taxable year shall not exceed—

''(A) in the case of an eligible individual who has self-only coverage under a high deductible health plan as of the first day of the taxable year, an amount equal to the applicable dollar amount under paragraph (1)(B) of section 402(g) (as adjusted pursuant to paragraph (4) of such section) with respect to such taxable year, or

''(B) in the case of an eligible individual who has family coverage under a high deductible health plan as of the first day of the taxable year, an amount equal to 200 percent of the amount determined under subparagraph (A).'',

(2) by striking paragraphs (2), (3), (7), and (8),

(3) by inserting after paragraph (1) the following:

''(2) ADDITIONAL CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained age 50 before the close of the taxable year, the amount of the limitation under subparagraphs (A) and (B) of paragraph (1) shall be increased by an amount equal to the applicable dollar amount under subparagraph (B)(i) of section 414(v)(2) (as adjusted pursuant to subparagraph (C) of such section).'',

(4) in paragraph (4), by striking the flush matter following subparagraph (C),

(5) in paragraph (5), by striking subparagraph (B) and inserting the following:

''(B) the limitation under paragraph (1) (after the application of subparagraph (A) and without regard to any additional contribution amount under paragraph (2)) shall be divided equally between them unless they agree on a different division.'', and

(6) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 223(d)(1) of the Internal Revenue Code of 1986 is amended by striking ''the sum of—'' and all that follows through the period and inserting ''the amount determined under subsection (b)(1).''.

(2) Subsection (g) of section 223 of such Code is amended—

(A) by striking ''subsections (b)(2) and (c)(2)(A)'' both places it appears and inserting ''subsection (c)(2)(A)'', and

(B) by amending subparagraph (B) to read as follows:

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins determined by substituting 'calendar year 2003' for 'calendar year 2016' in subparagraph (A)(ii) thereof.''.

(3) Section 26(b)(2)(S) of such Code is amended by striking '', 223(b)(8)(B)(i)(II),''.

(4) Section 408(d)(9)(C)(i)(I) of such Code is amended by striking ''computed on the basis of the type of coverage under the high deductible health plan covering the individual''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(d) TEMPORARY APPLICATION.—On January 1, 2033, the amendments made by subsections (a) and (b) shall be repealed and the provisions of law amended by such subsections shall be restored as if such subsections had never been enacted.

SEC. 14002. REPEALS.

(a) INTERNAL REVENUE CODE OF 1986.—The amendments made by the following provisions of this Act are repealed, and the Internal Revenue Code of 1986 shall be applied as if such amendments had not been enacted:

(1) Section 13101.
(2) Section 13102.
(3) Section 13103.
(4) Section 13104.
(5) Section 13201.
(6) Section 13701.
(7) Section 13702.
(8) Section 13703.
(9) Section 13704.

(b) EFFECTIVE DATE.—The repeals made by this section shall take effect as if included in the enactment of the section to which they relate.

SA 5208. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle E—Other Provisions

SEC. 14001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART 1—CHILD TAX CREDIT

SEC. 14101. EXTENSIONS AND MODIFICATIONS.

(a) EXTENSIONS.—

(1) EXTENSION OF CHILD TAX CREDIT.—Section 24(i) is amended—

(A) by striking ''January 1, 2022'' in the matter preceding paragraph (1) and inserting ''January 1, 2027'', and

(B) by inserting ''AND 2022'' after ''2021'' in the heading thereof.

(2) EXTENSION OF PROVISIONS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(A) Section 24(k)(2)(B) is amended—

(i) by striking ''December 31, 2021'' in the matter preceding clause (i) and inserting ''December 31, 2026'', and

(ii) by striking ''AFTER 2021'' in the heading thereof and inserting ''AFTER 2026''.

(B) Section 24(k)(3)(C)(ii) is amended—

(i) in subclause (I), by striking ''in 2021'' and inserting ''after December 31, 2020, and before January 1, 2027'' after ''2021,'', and

(ii) in subclause (II), by striking ''December 31, 2021'' and inserting ''December 31, 2026''.

(C) The heading of section 24(k)(2)(A) is amended by inserting ''THROUGH 2026'' after ''2021''.

(b) EXTENSION AND MODIFICATION OF ADVANCE PAYMENT.—

(1) IN GENERAL.—Section 7527A is amended—

(A) in subsection (b)(1), by striking ''50 percent of'' and inserting ''100 percent (25 percent in the case of calendar year 2022) of'',

(B) in clauses (i) and (ii) of subsection (e)(4)(C), by striking ''in 2021'' and inserting ''after December 31, 2020, and before January 1, 2027'', and

(C) in subsection (f)—

(i) in paragraph (1), by striking ''or'',

(ii) in paragraph (2), by striking the period at the end and inserting '', or before October 1, 2022, or'', and

(iii) by adding at the end the following new paragraph:

''(3) any period after December 31, 2026.''.

(2) ANNUAL ADVANCE AMOUNT.—Section 7527A(b) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''or based on any other information known to the Secretary'' after ''reference taxable year'',

(ii) in subparagraph (C), by inserting ''unless determined by the Secretary based on any information known to the Secretary,'' before ''the only children'', and

(iii) in subparagraph (D), by inserting ''unless determined by the Secretary based on any information known to the Secretary,'' before ''the ages of'', and

(B) in paragraph (3)(A)(ii), by striking '' provided by the taxpayer'' and inserting ''provided, or known,''.

(3) MONTHLY PAYMENTS.—

(A) IN GENERAL.—Section 7527A(a) is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall establish a program for making monthly payments to taxpayers in amounts equal to *1/12* of the annual advance amount with respect to such taxpayer.''.

(B) MODIFICATIONS DURING CALENDAR YEAR.—Section 7527A(b)(3), as amended by the preceding provisions of this Act, is amended—

(i) by amending subparagraph (A)(ii) to read as follows:

''(ii) any other information provided, or known, to the Secretary which allows the Secretary to more accurately estimate the amount treated as allowed under subpart C of part IV of subchapter A of chapter 1 by reason of section 24(i)(1) with respect to the taxpayer for the reference taxable year.'', and

(ii) in subparagraph (B), by striking ''periodic payment'' both places it appears and inserting ''monthly payment''.

(C) CONFORMING AMENDMENT.—Section 7527A(c)(2) is amended by striking ''subsection (b)(3)(B)'' and inserting ''subsection (b)(3)''.

(4) ELIGIBILITY FOR ADVANCE PAYMENTS LIMITED BASED ON MODIFIED ADJUSTED GROSS INCOME.—Section 7527A(b) is amended by adding at the end the following new paragraph:

''(6) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the reference taxable year exceeds the applicable threshold amount with respect to such taxpayer (as defined in section 24(i)(4)(B)), the annual advance amount with respect to such taxpayer shall be zero.

''(B) EXCEPTION FOR MODIFICATIONS MADE DURING THE CALENDAR YEAR.—Subparagraph (A) shall not apply to a reference taxable year taken into account by reason of paragraph (3)(A)(i) or subsection (c) if the taxpayer received one or more payments under subsection (a) for months in the calendar year which precede the month for which such reference taxable year will be taken into account.''.

(5) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS.—Section 7527A(e)(4) is amended—

(A) in subparagraph (A), by striking ''The advance'' and inserting ''Except as provided in subparagraph (D), the advance'', and

(B) by adding at the end the following new subparagraph:

''(D) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS FOR CERTAIN YEARS.—For the period beginning on October 1, 2022, and ending on December 31, 2022, the Secretary may apply this section without regard to subparagraph (A)(i).''.

(c) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—Section 24(i) is amended by adding at the end the following new paragraph:

''(5) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—In the case of a taxpayer who elects (at such time and in such manner as the Secretary may provide) the application of this paragraph for any taxable year, paragraph (4) and subsection (b)(1) shall both be applied with respect to the modified adjusted gross income (as defined in subsection (b)) for the taxpayer's preceding taxable year.''.

(d) SAFE HARBOR EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—

(1) IN GENERAL.—Section 24(j)(2)(B) is amended—

(A) by striking ''qualified'' each place it appears in clause (iv)(II) and inserting ''qualifying'', and

(B) by adding at the end the following new clause:

''(v) EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—

''(I) IN GENERAL.—For purposes of determining the safe harbor amount under clause (iv) with respect to any taxpayer, an individual shall not be treated as taken into account in determining the annual advance amount of such taxpayer if the Secretary determines that such individual was so taken into account due to fraud by the taxpayer or intentional disregard of rules and regulations by the taxpayer.

''(II) ARRANGEMENTS TO TAKE INDIVIDUAL INTO ACCOUNT MORE THAN ONCE.—For purposes of subclause (I), a taxpayer shall not fail to be treated as intentionally disregarding rules and regulations with respect to any individual taken into account in determining the annual advance amount of such taxpayer if such taxpayer entered into a plan or other arrangement with, or expected, another taxpayer to take such individual into account in determining the credit allowed under this section for the taxable year.''.

(2) ADDITIONAL MODIFICATION.—Section 24(j)(2)(B)(iv), as amended by the preceding provisions of this Act, is amended to read as follows:

''(iv) SAFE HARBOR AMOUNT.—For purposes of this subparagraph, the term 'safe harbor amount' means, with respect to any taxpayer for any taxable year, the sum of—

''(I) an amount equal to the product of $3,600 multiplied by the excess (if any) of the number of qualifying children who have not attained age 6 as of the close of the calendar year in which the taxable year of the taxpayer begins, and who are taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year, plus

''(II) an amount equal to the product of $3,000 multiplied by the excess (if any) of the number of qualifying children not described in clause (I), and who are taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year.''.

(e) RULES RELATING TO RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—Section 24(j) is amended by adding at the end the following new paragraphs:

''(3) JOINT RETURNS.—Except as otherwise provided by the Secretary, in the case of an advance payment made under section 7527A with respect to a joint return, half of such payment shall be treated as having been made to each individual filing such return.

''(4) COORDINATION WITH POSSESSIONS OF THE UNITED STATES.—For purposes of this subsection, payments made under section 7527A include payments made by any jurisdiction other than the United States under section 7527A of the income tax law of such jurisdiction, and advance payments made by American Samoa pursuant to a plan described in subsection (k)(3)(B). In carrying out this section, the Secretary shall coordinate with each possession of the United States to prevent any application of this paragraph that is inconsistent with the purposes of this subsection.''.

(f) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—Section 6103(e) is amended by adding at the end the following new paragraph:

''(12) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—In the case of an individual to whom the Secretary makes payments under section 7527A, if the reference taxable year (as defined in section 7527A(b)(2)) that the Secretary uses to calculate such payments is a year for which the individual filed an income tax return jointly with another individual, the Secretary may disclose to such individual any return information of such other individual which is relevant in determining the payment under section 7527A and the individual's eligibility for such payment, including information regarding any of the following:

''(A) The number of specified children, including by reason of the birth of a child.

''(B) The name and TIN of specified children.

''(C) Marital status.

''(D) Modified adjusted gross income.

''(E) Principal place of abode.

''(F) Any other factor which the Secretary may provide pursuant to section 7527A(c).''.

(g) REPEAL OF SOCIAL SECURITY NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 24(h) is amended by striking paragraph (7).

(2) CONFORMING AMENDMENTS.—

(A) Section 24(h)(1) is amended by striking ''paragraphs (2) through (7)'' and inserting ''paragraphs (2) through (6)''.

(B) Section 24(h)(4) is amended by striking subparagraph (C).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(2) PAYMENTS.—

(A) The amendments made by paragraphs (1), (2), (4), and (5) of subsection (b) shall apply to payments after September 30, 2022.

(B) The amendments made by paragraph (3) of subsection (b) shall apply to payments after December 31, 2022.

(3) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—The amendment made by subsection (f) shall take effect on the date of the enactment of this Act.

SEC. 14102. REFUNDABLE CHILD TAX CREDIT AFTER 2022.

(a) IN GENERAL.—Section 24 is amended by adding at the end the following new subsection:

''(l) REFUNDABLE CREDIT AFTER 2022.—In the case of any taxable year beginning after December 31, 2022, if the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 32) for more than one-half of the taxable year or is a bona fide resident of Puerto Rico (within the meaning of section 937(a)) for such taxable year—

''(1) subsection (d) shall not apply, and

''(2) so much of the credit determined under subsection (a) (after application of paragraph (1)) as does not exceed the amount of such credit which would be so determined without regard to subsection (h)(4) shall be allowed under subpart C (and not allowed under this subpart)''.

(b) CONFORMING AMENDMENTS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(1) PUERTO RICO.—Section 24(k)(2)(B), as amended by the preceding provisions of this Act, is amended to read as follows:

''(B) APPLICATION TO TAXABLE YEARS AFTER 2022.—For application of refundable credit to residents of Puerto Rico for taxable years after 2022, see subsection (l).''.

(2) AMERICAN SAMOA.—Section 24(k)(3)(C)(ii)(II), as amended by the preceding provisions of this Act, is amended to read as follows:

''(II) if such taxable year begins after December 31, 2022, subsection (l) shall be applied by substituting 'Puerto Rico or American Samoa' for 'Puerto Rico'.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 14103. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated out of any money in the Treasury not otherwise appropriated:

(1) $3,963,300,000 to remain available until September 30, 2026, for necessary expenses for the Internal Revenue Service to administer the Child Tax Credit, and advance payments of the Child Tax Credit, including the costs of disbursing such payments, which shall supplement and not supplant any other appropriations that may be available for this purpose, and

(2) $1,000,000,000 is appropriated to the Department of the Treasury, to remain available until September 30, 2026, to support efforts to increase enrollment of eligible families in the Child Tax Credit, for advance payments of the Child Tax Credit, and for other tax benefits, including but not limited to program outreach, costs of data sharing arrangements, systems changes, forms changes, and related efforts, and efforts to support the cross-enrollment of beneficiaries of other programs in the Child Tax Credit, and for advance payments of the Child Tax Credit, including by establishing intergovernmental cooperative agreements with states and local governments, the District of Columbia, tribal governments, and possessions of the United States: Provided, that such amount shall be available in addition to any amounts otherwise available: Provided further, that these funds may be awarded by federal agencies to state and local governments, the District of Columbia, tribal governments, and possessions of the United States, and private entities, including organizations dedicated to free tax return preparation and low income taxpayer clinics funded under section 7526 of the Internal Revenue Code of 1986.

PART 2—CORPORATE TAX RATE

SEC. 14201. INCREASE IN CORPORATE TAX RATE.

(a) IN GENERAL.—Section 11(b) is amended to read as follows:

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be the sum of—

''(A) 18 percent of so much of the taxable income as does not exceed $400,000,

''(B) 21 percent of so much of the taxable income as exceeds $400,000 but does not exceed $5,000,000, and

''(C) 28 percent of so much of the taxable income as exceeds $5,000,000.

In the case of a corporation which has taxable income in excess of $10,000,000 for any taxable year, the amount of tax determined under the preceding sentence for such taxable year shall be increased by the lesser of (i) 3 percent of such excess, or (ii) $362,000.

''(2) CERTAIN PERSONAL SERVICE CORPORATION NOT ELIGIBLE FOR GRADUATED RATES.—Notwithstanding paragraph (1), the amount of the tax imposed by subsection (a) on the taxable income of a qualified personal service corporation (as defined in section 448(d)(2)) shall be equal to 28 percent of the taxable income.''.

(b) PROPORTIONAL ADJUSTMENT OF DEDUCTION FOR DIVIDENDS RECEIVED.—

(1) IN GENERAL.—Section 243(a)(1) is amended by striking ''50 percent'' and inserting ''60 percent''.

(2) DIVIDENDS FROM 20-PERCENT OWNED CORPORATIONS.—Section 243(c)(1) is amended—

(A) prior to amendment by subparagraph (B), by striking ''65 percent'' and inserting ''72.5 percent'', and

(B) by striking ''50 percent'' and inserting ''60 percent''.

(c) CONFORMING AMENDMENT.—Section 1561 is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The component members of a controlled group of corporations on a December 31 shall, for their taxable years which include such December 31, be limited for purposes of this subtitle to—

''(1) amounts in each taxable income bracket in the subparagraphs of section 11(b)(1) which do not aggregate more than the maximum amount in each such bracket to which a corporation which is not a component member of a controlled group is entitled, and

''(2) one $250,000 ($150,000 if any component member is a corporation described in section 535(c)(2)(B)) amount for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3).

The amounts specified in paragraph (1) shall be divided equally among the component members of such group on such December 31 unless all of such component members consent (at such time and in such manner as the Secretary shall by regulations prescribe) to an apportionment plan providing for an unequal allocation of such amounts. The amounts specified in paragraph (2) shall be divided equally among the component members of such group on such December 31 unless the Secretary prescribes regulations permitting an unequal allocation of such amounts. Notwithstanding paragraph (1), in applying the last sentence of section 11(b)(1) to such component members, the taxable income of all such component members shall be taken into account and any increase in tax under such last sentence shall be divided among such component members in the same manner as amounts under paragraph (1).'', and

(2) by striking ''**ACCUMULATED EARNINGS CREDIT**'' in the heading and inserting ''**CERTAIN MULTIPLE TAX BENEFITS**''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(e) NORMALIZATION REQUIREMENTS.—

(1) IN GENERAL.—A normalization method of accounting shall not be treated as being used with respect to any public utility property for purposes of section 167 or 168 of the Internal Revenue Code of 1986 if the taxpayer, in computing its cost of service for ratemaking purposes and reflecting operating results in its regulated books of account, reduces the tax reserve deficit less rapidly or to a lesser extent than such reserve would be reduced under the average rate assumption method.

(2) ALTERNATIVE METHOD FOR CERTAIN TAXPAYERS.—If, as of the first day of the taxable year that includes the date of enactment of this Act—

(A) the taxpayer was required by a regulatory agency to compute depreciation for public utility property on the basis of an average life or composite rate method, and

(B) the taxpayer's books and underlying records did not contain the vintage account data necessary to apply the average rate assumption method,

the taxpayer will be treated as using a normalization method of accounting if, with respect to such jurisdiction, the taxpayer uses the alternative method for public utility property that is subject to the regulatory authority of that jurisdiction.

(3) DEFINITIONS.—For purposes of this subsection—

(A) TAX RESERVE DEFICIT.—The term ''tax reserve deficit'' means the excess of—

(i) the amount which would be the balance in the reserve for deferred taxes (as described in section 168(i)(9)(A)(ii) of the Internal Revenue Code of 1986, or section 167(l)(3)(G)(ii) of such Code as in effect on the day before the date of the enactment of the Tax Reform Act of 1986) if the amount of such reserve were determined by assuming that the corporate rate increases provided in the amendments made by this section were in effect for all prior periods, over

(ii) the balance in such reserve as of the day before such corporate rate increases take effect.

(B) AVERAGE RATE ASSUMPTION METHOD.—The average rate assumption method is the method under which the excess in the reserve for deferred taxes is reduced over the remaining lives of the property as used in its regulated books of account which gave rise to the reserve for deferred taxes. Under such method, if timing differences for the property reverse, the amount of the adjustment to the reserve for the deferred taxes is calculated by multiplying—

(i) the ratio of the aggregate deferred taxes for the property to the aggregate timing differences for the property as of the beginning of the period in question, by

(ii) the amount of the timing differences which reverse during such period.

(C) ALTERNATIVE METHOD.—The ''alternative method'' is the method in which the taxpayer—

(i) computes the tax reserve deficit on all public utility property included in the plant account on the basis of the weighted average life or composite rate used to compute depreciation for regulatory purposes, and

(ii) reduces the tax reserve deficit ratably over the remaining regulatory life of the property.

(4) TREATMENT OF NORMALIZATION VIOLATION.—If, for any taxable year ending after the date of the enactment of this Act, the taxpayer does not use a normalization method of accounting, such taxpayer shall not be treated as using a normalization method of accounting for purposes of subsections (f)(2) and (i)(9)(C) of section 168 of the Internal Revenue Code of 1986.

(5) REGULATIONS.—The Secretary of the Treasury, or the Secretary's designee, shall issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including regulations or other guidance to provide appropriate coordination between this subsection, section 13001(d) of Public Law 115-97, and section 203(e) of the Tax Reform Act of 1986.

SA 5209. Mr. SANDERS (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to

provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 90002. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND THE NATIONAL SERVICE TRUST.

(a) AMERICORPS STATE AND NATIONAL.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $3,200,000,000, to remain available until September 30, 2026, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to entities (whether or not such entities are already recipients of a grant or other agreement on the date of enactment of this Act) to support national service programs with activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 to increase living allowances and improve benefits of participants in such programs.

(2) REQUIREMENTS.—For the purposes of carrying out paragraph (1)—

(A) the Corporation shall waive the requirements described in section 121(e)(1) of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for such a national service program demonstrates—

(i) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(ii) without such waiver, the recipient cannot meet the requirements of this section;

(B) section 189(a) of such Act shall be applied by substituting ''125 percent of the amount of the minimum living allowance of a full-time participant per full-time equivalent position'' for ''$18,000 per full-time equivalent position''; and

(C) section 140(a)(1) of such Act shall be applied by substituting ''200 percent of the poverty line'' for ''the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)''.

(b) STATE COMMISSIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $400,000,000, to remain available until September 30, 2026, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to States to establish or operate State Commissions on National and Community Service.

(2) MATCH WAIVER.—For the purposes of carrying out paragraph (1), the Corporation shall waive the matching requirement described in section 126(a)(2) of the National and Community Service Act of 1990, in whole or in part, for a State Commission, if such State Commission demonstrates need for such waiver.

(c) NATIONAL CIVILIAN COMMUNITY CORPS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $80,000,000, to remain available until September 30, 2029, which shall be used to increase the living allowance and benefits of participants in the National Civilian Community Corps authorized under section 152 of the National and Community Service Act of 1990.

(d) AMERICORPS VISTA.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $600,000,000 to remain available until September 30, 2029, which shall be used to increase the subsistence allowances and improve benefits of participants in the Volunteers in Service to America program authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(2) REQUIREMENT.—For purposes of carrying out paragraph (1)—

(A) section 105(b)(2)(A) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''200 percent'' for ''95 percent''; and

(B) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''210 percent'' for ''105 percent''.

(e) NATIONAL SERVICE IN SUPPORT OF CLIMATE RESILIENCE AND MITIGATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $6,915,000,000, which shall be used for the purposes specified in paragraph (3).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) shall—

(A) be available until September 30, 2026, for national service programs with activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990; and

(B) be available until September 30, 2029, for National Civilian Community Corps programs authorized under section 152 of the National and Community Service Act of 1990 and Volunteers in Service to America programs authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(3) USE OF FUNDS.—

(A) IN GENERAL.—The Corporation shall use amounts appropriated under paragraph (1) to fund programs described in subparagraph (B) to carry out projects or activities described in section 122(a)(3)(B) of the National and Community Service Act of 1990.

(B) PROGRAMS.—The programs described in subparagraph (A) shall include—

(i) national service programs with activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990;

(ii) National Civilian Community Corps programs authorized under section 152 of the National and Community Service Act of 1990; and

(iii) Volunteers in Service to America programs authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(C) TERMS.—In funding programs described in subparagraph (A), the Corporation shall ensure—

(i) awards are made to entities that serve, and have representation from, low-income communities or communities experiencing (or at risk of experiencing) adverse health and environmental conditions;

(ii) such programs utilize culturally competent and multilingual strategies;

(iii) projects carried out through such programs are planned with community input, and implemented by diverse participants who are from communities being served by such programs; and

(iv) such programs provide participants with workforce development opportunities, such as pre-apprenticeships that articulate to registered apprenticeship programs, and pathways to post-service employment in high-quality jobs, including registered apprenticeships.

(4) REQUIREMENTS.—For the purposes of carrying out paragraph (1)—

(A) in implementing national service programs described in paragraph (3)(B)(i) and funded by the appropriations specified in paragraph (1)—

(i) the Corporation shall waive the requirements described in section 121(e)(1) of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for the national service program involved demonstrates—

(I) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(II) without such waiver, the recipient cannot meet the requirements of this section;

(ii) section 189(a) of the National and Community Service Act of 1990 shall be applied by substituting ''125 percent of the amount of the minimum living allowance of a full-time participant per full-time equivalent position'' for ''$18,000 per full-time equivalent position'';

(iii) section 140(a)(1) of the National and Community Service Act of 1990 shall be applied by substituting ''200 percent of the poverty line'' for ''the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)''; and

(iv) the Corporation shall waive the matching requirement described in section 126(a)(2) of the National and Community Service Act of 1990, in whole or in part, for a State Commission, if such State Commission demonstrates need for such waiver; and

(B) in implementing national service programs described in paragraph (3)(B)(iii) and funded by the appropriations specified in paragraph (1)—

(i) section 105(b)(2)(A) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''200 percent'' for ''95 percent''; and

(ii) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''210 percent'' for ''105 percent''.

(f) ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $1,010,400,000, to remain available until September 30, 2029, which shall be used for Federal administrative expenses to carry out programs and activities funded under this section, including—

(A) corrective actions to address recommendations arising from audits of the financial statements of the Corporation and the National Service Trust, and, in consultation with the Inspector General of the Corporation, the development of fraud prevention and detection controls and risk-based anti-fraud monitoring for grants and other financial assistance funded under this section; and

(B) coordination of efforts and activities with the Departments of Labor and Education to support the national service programs funded under subsections (a), (c), (d), and (e) in improving the readiness of participants to transition to high-quality jobs or further education.

(2) FISCAL YEAR 2030 PROGRAM ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2030, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service,

$79,800,000, to remain available until September 30, 2030, which shall be used, in fiscal year 2030, for Federal administrative expenses to carry out programs and activities funded under this section.

(3) PLAN.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation, $300,000, to remain available until September 30, 2023, which shall be used by the Chief Executive Officer of the Corporation to—

(A) develop, publish, and implement, not later than 180 days after the date of enactment of this Act, a project, operations, and management plan for funds appropriated under this section; and

(B) consult with the Secretary of Labor and the Inspector General of the Corporation in developing the plan under subparagraph (A).

(4) OUTREACH.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $49,500,000, to remain available until September 30, 2030, for outreach to and recruitment of members from communities traditionally underrepresented in national service programs and members of a community experiencing a significant dislocation of workers, including energy transition communities.

(g) OFFICE OF INSPECTOR GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $75,000,000, to remain available until September 30, 2030, which shall be used for the Office of Inspector General of the Corporation for salaries and expenses necessary for oversight and audit of programs and activities funded under this section.

(h) NATIONAL SERVICE TRUST.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the National Service Trust, $1,150,000,000, to remain available until September 30, 2030, for—

(A) administration of the National Service Trust; and

(B) payment to the Trust for the provision of national service educational awards and interest expenses—

(i) for participants, for a term of service supported by funds made available under subsection (e); and

(ii) pursuant to section 145(a)(1)(A) of the National and Community Service Act of 1990.

(2) SUPPLEMENTAL EDUCATIONAL AWARDS.—

(A) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the National Service Trust, $1,660,000,000, to remain available until September 30, 2030, for payment to the National Service Trust for the purpose of providing a supplemental national service educational award to an individual eligible to receive a national service educational award pursuant to section 146(a), and the individual's transferee pursuant to section 148(f), of the National and Community Service Act of 1990, for a term of service that began after the date of enactment of this Act in a national service program (including a term of service supported by funds made available under subsection (e)).

(B) AWARD AVAILABILITY.—The supplemental educational award referred to in subparagraph (A) shall be available to an individual or their transferee described in subparagraph (A) in accordance with the paragraph (3).

(C) CALCULATION.—The amount of the supplemental educational award that shall be available to an individual or their transferee described in subparagraph (A) shall be calculated as follows:

(i) AMOUNT FOR FULL-TIME NATIONAL SERVICE.—For an individual who completes a required term of full-time national service, or the individual's transferee—

(I) in a case in which the award year for which the national service position is approved by the Corporation is award year 2022-2023, 50 percent of the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 that a student eligible for such Grant may receive in the aggregate for such award year; and

(II) in a case in which the award year for which the national service position is approved by the Corporation is award year 2023-2024 or a subsequent award year, 50 percent of the total maximum Federal Pell Grant under section 401 of the Higher Education Act of 1965 that a student eligible for such Grant may receive in the aggregate for such award year.

(ii) AMOUNT FOR PART-TIME NATIONAL SERVICE.—For an individual who completes a required term of part-time national service, or the individual's transferee, 50 percent of the amount determined under clause (i).

(iii) AMOUNT FOR PARTIAL COMPLETION OF NATIONAL SERVICE.—For an individual released from completing the full-time or part-time term of service agreed to by the individuals, or the individual's transferee, the portion of the amount determined under clause (i) that corresponds to the portion of the term of service completed by the individual.

(3) PERIOD OF AVAILABILITY FOR NATIONAL SERVICE EDUCATIONAL AWARDS.—

(A) IN GENERAL.—Notwithstanding section 146(d) of the National and Community Service Act of 1990, relating to a period of time for use of a national service educational award, or any extensions to such time period granted under section 146(d)(2) of such Act, an individual eligible to receive a national service educational award for a term of service supported by funds made available under subsection (e), or the individual's transferee, and an individual eligible to receive a supplemental educational award described in paragraph (2) for a term of service, or the individual's transferee, shall not use, after September 30, 2030, the national service educational award or supplemental educational award for the term of service involved, and the national service educational award and supplemental educational award shall be available for the lengths of time described in subparagraph (B).

(B) LENGTHS OF TIME.—The lengths of time described in this subparagraph are as follows:

(i) For an individual who completes the term of service involved by September 30, 2023 or the individual's transferee, until the end of the 7-year period beginning on that date.

(ii) For an individual who completes such term of service by September 30, 2024 or the individual's transferee, until the end of the 6-year period beginning on that date.

(iii) For an individual who completes such term of service by September 30, 2025 or the individual's transferee, until the end of the 5-year period beginning on that date.

(iv) For an individual who completes such term of service by September 30, 2026 or the individual's transferee, until the end of the 4-year period beginning on that date.

(v) For an individual who completes such term of service by September 30, 2027 or the individual's transferee, until the end of the 3-year period beginning on that date.

(vi) For an individual who completes such term of service by September 30, 2028 or the individual's transferee, until the end of the 2-year period beginning on that date.

(vii) For an individual who completes such term of service by September 30, 2029 or the individual's transferee, until the end of the 1-year period beginning on that date.

(i) LIMITATION.—The funds made available under this section are subject to the condition that the Corporation shall not—

(1) use such funds to make any transfer to the National Service Trust for any use, or enter into any agreement involving such funds—

(A) that is for a term extending beyond September 30, 2031; or

(B) for which or under which any payment could be outlaid after September 30, 2031; and

(2) use any other funds available to the Corporation to liquidate obligations made under this section.

(j) DEFINITION.—For purposes of this section, the term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor, or a State apprenticeship agency recognized by the Office of Apprenticeship, pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

SEC. 90003. WORKFORCE DEVELOPMENT IN SUPPORT OF CLIMATE RESILIENCE AND MITIGATION.

(a) YOUTHBUILD.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 90002 by—

(1) carrying out activities described in section 171(c)(2) of the Workforce Innovation and Opportunity Act; and

(2) improving and expanding access to services, stipends, wages, and benefits described in subparagraphs (A)(vii) and (F) of section 171(c)(2) of such Act.

(b) JOB CORPS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 90002 by—

(A) providing funds to operators and service providers to—

(i) carry out the activities and services described in sections 148 and 149 of the Workforce Innovation and Opportunity Act; and

(ii) improve and expand access to allowances and services described in section 150 of such Act; and

(B) notwithstanding section 158(c) of such Act, constructing, rehabilitating, and acquiring Job Corps centers to support activities described in subparagraph (A).

(2) ELIGIBILITY.—For the purposes of carrying out paragraph (1), an entity in a State or outlying area may be eligible to be selected as an operator or service provider.

(c) PRE-APPRENTICESHIP, AND REGISTERED APPRENTICESHIP PROGRAMS.—

(1) PRE-APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, to carry out activities through grants, cooperative agreements, contracts, or other arrangements, to create or expand pre-apprenticeship programs that articulate to registered apprenticeship programs, are aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation, and are aligned with the activities described in subsection (e)(3) of section 90002.

(2) PRE-APPRENTICESHIP PARTNERSHIPS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to support partnerships between entities carrying out pre-apprenticeship programs that articulate to registered apprenticeship programs and entities funded under subsection (e) of section 90002 to ensure past and current participants in programs funded under subsection (e)(1) of section 90002 have access to such pre-apprenticeship programs.

(3) REGISTERED APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to carry out activities through grants, cooperative agreements, contracts, or other arrangements, to create or expand registered apprenticeship programs in climate-related nontraditional apprenticeship occupations.

(4) PARTICIPANTS WITH BARRIERS TO EMPLOYMENT AND NONTRADITIONAL APPRENTICESHIP POPULATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $350,000,000, to remain available until September 30, 2026, for entities to carry out pre-apprenticeship programs described in paragraph (1), and registered apprenticeship program described in paragraph (3), serving a high number or high percentage of individuals with barriers to employment, including individuals with disabilities, or nontraditional apprenticeship populations.

(d) REENTRY EMPLOYMENT OPPORTUNITIES PROGRAM.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, for the Reentry Employment Opportunities program, which amount shall be used to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 90002.

(e) PAID YOUTH EMPLOYMENT OPPORTUNITIES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $350,000,000, to remain available until September 30, 2026, to carry out activities through grants, contracts, or cooperative agreements, for the purposes of providing in-school youth and out-of-school youth with paid work experiences authorized under section 129(c)(2)(C) of the Workforce Innovation and Opportunity Act, notwithstanding section 194(10) of such Act, that are—

(1) carried out by public agencies or private nonprofit entities, including community-based organizations;

(2) provided in conjunction with supportive services and other elements described in section 129(c)(2) of such Act;

(3) aligned with the activities described in subsection (e)(3) of section 90002; and

(4) designed to prepare participants for—

(A) high-quality, unsubsidized employment opportunities in industry sectors or occupations related to climate resilience or mitigation;

(B) enrollment in an institution of higher education (as defined in section 101 or 102(c) of the Higher Education Act of 1965); and

(C) registered apprenticeship programs.

(f) DEPARTMENT OF LABOR INSPECTOR GENERAL.—In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects of the Department of Labor funded under this section.

(g) ADMINISTRATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $69,800,000, to remain available until September 30, 2029, for program administration within the Department of Labor for salaries and expenses necessary to implement this section.

(2) PLAN.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $200,000, to remain available until September 30, 2023, which shall be used by the Secretary to—

(A) develop, publish, and implement, not later than 180 days after the date of enactment of this Act, a project, operations, and management plan for funds appropriated under this section; and

(B) consult with the Chief Executive Officer of the Corporation for National and Community Service in developing the plan under subparagraph (A).

(h) DEFINITION.—For purposes of this section:

(1) CLIMATE-RELATED NONTRADITIONAL APPRENTICESHIP OCCUPATION.—The term ''climate-related nontraditional apprenticeship occupation'' means an apprenticeable occupation—

(A) that aligns with the activities described in subsection (e)(3) of section 90002;

(B) in an industry sector that trains less than 10 percent of all civilian registered apprentices as of the date of the enactment of this Act; and

(C) that is related to climate resilience or mitigation.

(2) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor, or a State apprenticeship agency recognized by the Office of Apprenticeship, pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

(3) WIOA DEFINITIONS.—The terms ''community-based organization'', ''individual with a barrier to employment'', ''in-school youth'', ''outlying area'', and ''out-of-school youth'' have the meanings given such terms in paragraphs (10), (24), (27), (45), and (46), respectively, of section 3 of the Workforce Innovation and Opportunity Act.

TITLE X—ADDITIONAL MATTERS RELATING TO THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 100001. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of Agriculture.

SEC. 100002. NATIONAL FOREST SYSTEM RESTORATION AND FUELS REDUCTION PROJECTS.

(a) IN GENERAL.—In addition to the amounts appropriated by section 23001(a)(1), and any other amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $2,250,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface. None of the funds provided under this section shall be subject to cost-share or matching requirements.

(b) PRIORITY; RESTRICTIONS; LIMITATIONS.—Subsections (b), (c), and (d) of section 23001 shall apply the amounts appropriated by, and projects carried out under, subsection (a).

(c) DEFINITIONS.—In this section:

(1) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means an activity, including the use of prescribed fire, to protect structures and communities from wildfire that is carried out on National Forest System land.

(2) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 100003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.

In addition to the amounts appropriated by section 23003(a)(2), and any other amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $1,750,000,000 to provide multiyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, an agency or governmental entity of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities. Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

SEC. 100004. COMPETITIVE GRANTS FOR NON-FEDERAL FOREST LANDOWNERS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $500,000,000 to award grants to Tribal, State, or local governments, the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations to support, on non-Federal land, forest restoration and resilience projects. Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

(b) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities

under this section if such funds are not expressly authorized or currently expended for such purposes.

(c) DEFINITION OF RESTORATION.—In this section, the term ''restoration'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 100005. LIMITATION.

The funds made available under this title are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this title.

TITLE XI—ADDITIONAL MATTERS RELATING TO THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 110001. INVESTING IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts appropriated by section 40001(a), and any other amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats and resources, including fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, and for related administrative expenses.

(b) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided under this section shall be subject to cost-sharing or matching requirements.

(c) TRIBAL GOVERNMENT DEFINED.—In this section, the term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

TITLE XII—ADDITIONAL MATTERS RELATING TO THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 120001. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND RESILIENCE.

In addition to the amounts appropriated by section 50221, and any other amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,250,000,000, to remain available through September 30, 2031, to carry out projects for the conservation, protection, and resiliency of lands and resources administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 120002. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND ECOSYSTEM RESTORATION.

In addition to the amounts appropriated by section 50222, and any other amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $750,000,000, to remain available through September 30, 2031, to carry out conservation, ecosystem and habitat restoration projects on lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 120003. NATIONAL PARK SERVICE AND BUREAU OF LAND MANAGEMENT CONSERVATION, RESILIENCY, AND RESTORATION PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2031, to provide funding, including all expenses necessary to provide funding, through direct expenditure, grants, contracts, or cooperative agreements, to perform conservation, resiliency, or restoration projects, including all expenses necessary to carry out such projects, on public land administered by the National Park Service or the Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

TITLE XIII—ADDITIONAL MATTERS RELATING TO THE COMMITTEE ON INDIAN AFFAIRS

SEC. 130001. TRIBAL CLIMATE RESILIENCE.

(a) TRIBAL CLIMATE RESILIENCE AND ADAPTATION.—In addition to the amounts appropriated by section 80001(a), and any other amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $441,000,000, to remain available until September 30, 2031, to carry out, through financial assistance, technical assistance, direct expenditure, grants, contracts, or cooperative agreements, Tribal climate resilience and adaptation programs.

(b) ADMINISTRATION.—In addition to the amounts appropriated by section 80001(c), and any other amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(d) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(e) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 130002. NATIVE HAWAIIAN CLIMATE RESILIENCE AND ADAPTATION.

(a) IN GENERAL.—In addition to the amounts appropriated by section 80002(a), and any other amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $49,000,000, to remain available until September 30, 2031, to carry out, through financial assistance, technical assistance, direct expenditure, grants, contracts, or cooperative agreements, climate resilience and adaptation activities that serve the Native Hawaiian Community.

(b) ADMINISTRATION.—In addition to the amounts appropriated by section 80002(b), and any other amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

SA 5210. Mr. SANDERS (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 1 of subtitle B of title I and insert the following:

PART 1—CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PARTS B AND D

SEC. 11001. CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PARTS B AND D.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''SEC. 1899C. CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PARTS B AND D.

''(a) IN GENERAL.—In no case may the amount of payment for a drug or biological under part B or a covered part D drug (as defined in section 1860D–2(e)) under a prescription drug plan under part D exceed the lower of the following:

''(1) The amount paid by the Secretary of Veterans Affairs to procure the drug under the laws administered by the Secretary.

''(2) The amount paid to procure the drug through the Federal Supply Schedule of the General Services Administration.

''(b) MANUFACTURER REQUIREMENT.—In order for coverage to be available under part B for a drug or biological of a manufacturer or under part D for a covered part D drug of a manufacturer, the manufacturer must agree to provide such drug or biological to providers of services and suppliers under part B or such covered part D drug to prescription drug plans under part D for an amount that does not exceed the maximum payment amount applicable under subsection (a).

''(c) ACCESS TO PRICING INFORMATION.—The Secretary of Veterans Affairs and the Administrator of General Services shall provide

to the Secretary of Health and Human Services the information described in paragraphs (1) and (2), respectively, of subsection (a) and such other information as the Secretary of Health and Human Services may request in order to carry out this section.

''(d) EFFECTIVE DATE.—This section shall apply with respect to drugs furnished or dispensed on or after January 1, 2023.''.

(b) CONFORMING AMENDMENTS.—

(1) APPLICATION UNDER PART B.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a), as amended by section 11101, is amended—

(A) in subsection (b)(1), by striking ''and (e)'' and inserting ''(e), and (i)'';

(B) by redesignating subsection (j) as subsection (k); and

(C) by inserting after subsection (i) the following subsection:

''(j) APPLICATION OF CAP ON COSTS FOR PART B DRUGS.—Notwithstanding the preceding provisions of this subsection, the amount of payment under this section for a drug or biological furnished on or after January 1, 2023, shall not exceed the maximum payment amount applicable to the drug or biological under section 1899C(a).''.

(2) APPLICATION AS NEGOTIATED PRICE UNDER PART D.—Section 1860D–2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)(B)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this part, the negotiated price used for payment for a covered part D drug dispensed on or after January 1, 2023, shall not exceed the maximum payment amount applicable to the covered part D drug under section 1899C.''.

SA 5211. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

At the end of subtitle B of title I, add the following:

PART 6—MEDICARE COVERAGE OF DENTAL AND ORAL HEALTH CARE, HEARING CARE, AND VISION CARE

Subpart A—Medicare Coverage

SEC. 11501. INTERIM DENTAL PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1866F the following new section:

''SEC. 1866G. INTERIM DENTAL PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish an interim Medicare dental program (in this section referred to as the 'program') by not later than 6 months after the date of the enactment of this section. Under the program, payment shall be made for eligible expenses of eligible beneficiaries in accordance with this section.

''(b) AMOUNT.—The Secretary shall pay for eligible expenses under the program per eligible beneficiary in an amount not to exceed $1,000.

''(c) PROGRAM IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary shall—

''(A) make a Treasury-sponsored account described in paragraph (2)(A)(i) available to eligible beneficiaries so payment may be made to entities described in subsection (d)(2)(B) for eligible expenses at the point-of-sale;

''(B) issue cards for making payments described in subparagraph (A), and replacement cards for cards that are lost or stolen; and

''(C) provide a toll-free telephone number and website to answer beneficiary questions on the program including the amount available for payment.

''(2) PAYMENTS.—

''(A) DELIVERY OF PAYMENTS.—

''(i) IN GENERAL.—The account through which the Secretary shall make payment for eligible expenses under the program shall be deemed to be a Treasury-sponsored account, as defined in section 208.2 of title 31, Code of Federal Regulations, without regard to section 913 of the Electronic Fund Transfer Act (15 U.S.C. 1693k), section 1005.10(e)(2) of title 12, Code of Federal Regulations (or any successor regulation), section 1(d) of Executive Order 13681 (31 U.S.C. 3321 note; relating to improving the security of consumer financial transactions), section 3332(i) of title 31, United States Code, and subchapter IV of chapter 33 of title 31, United States Code.

''(ii) TREATMENT OF ACCOUNTS.—The Department of the Treasury shall be deemed to be the customer of any financial institution for any account issued under clause (i) for purposes of the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.).

''(B) AUTHORIZED TRANSACTIONS.—

''(i) CONDITION OF ACCEPTANCE OF PAYMENT.—Acceptance of payment under subparagraph (A)(i) shall be deemed to be an agreement by the entity accepting such payment to furnish such information as may be necessary for the Secretary to verify that such payment is for eligible expenses of an eligible beneficiary.

''(ii) REVIEW.—The Secretary shall review payments, as necessary, to verify transactions are for eligible expenses of eligible beneficiaries.

''(C) REQUIREMENT.—Notwithstanding the provisions of section 1(d) of Executive Order 13681, cards issued under paragraph (1)(B) shall be magnetic stripe-only cards that do not utilize chip and PIN technology.

''(3) EXPEDITING IMPLEMENTATION.—The Secretary shall implement the program through program instruction.

''(4) ADMINISTRATION.—The requirements under section 1862(b) (relating to secondary payer) and section 1882(d)(3) (relating to nonduplication of health benefits) are waived. The Secretary shall not impose sanctions under subsection 1877(g) with respect to designated health services that are eligible expenses.

''(5) NONAPPLICATION OF MEDICAID THIRD PARTY LIABILITY.—Neither the program nor an entity receiving payment for eligible expenses under the program shall be treated as a legally liable party for purposes of applying section 1902(a)(25).

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual who—

''(A) is enrolled under part B; and

''(B) as of the start of the program, or in the case of an individual who enrolls in part B after the date that is 6 months after the date of the enactment of this section, the first month in which the individual is enrolled under such part, is not subject to a reduction in premium subsidy pursuant to section 1839(i).

''(2) ELIGIBLE EXPENSES.—The term 'eligible expenses' means expenses for which payment has not been made by insurance or a party other than the beneficiary, for dental items and services furnished to an eligible beneficiary that are—

''(A) to the extent applicable, treated as medical care under section 213(d)(1)(A) of the Internal Revenue Code of 1986;

''(B) furnished by entities such as those with merchant category code 8021 (or successor codes); and

''(C) presented for payment on or after the date of the activation of the card described in subsection (c)(1)(B), and ending on December 31, 2024.

''(3) PROGRAM.—The term 'program' means the program established under this section.

''(e) OUTREACH AND EDUCATION.—

''(1) IN GENERAL.—The Secretary shall provide outreach and education on the program—

''(A) for eligible beneficiaries; and

''(B) for entities described in subsection (d)(2)(B).

''(2) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $82,000,000, to remain available until December 31, 2025, to carry out this subsection.

''(f) NO IMPACT ON BENEFITS UNDER THIS TITLE, MEDICAID, OR CHIP.—

''(1) NO IMPACT ON BENEFITS UNDER THIS TITLE.—Any payment made to an entity under this section shall not be treated as benefits under this title or otherwise taken into account in computing—

''(A) actuarial rates or premium amounts under section 1839; or

''(B) the MA area-specific non-drug monthly benchmark amount under section 1853(j).

''(2) DISREGARD OF PAYMENTS FOR PURPOSES OF MEDICAID AND CHIP.—Any payment made to an entity under this section shall be disregarded when determining income for any purpose under the programs established under title XIX and title XXI.

''(g) EXCEPTION FROM REDUCTION OR OFFSET.—Payments under this section shall not be subject to offset under section 3716 of title 31, United States Code.

''(h) IMPLEMENTATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $193,000,000, to remain available until December 31, 2025, to carry out this section (other than subsection (e) and subsection (i)).

''(i) FUNDING FOR PAYMENTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $58,000,000,000, to remain available until December 31, 2024, for purposes of funding payments for eligible expenses under the program through Treasury-sponsored accounts described in subsection (c)(2)(A)(i) which shall supplement and not supplant any other appropriations that may be available for this purpose.''.

SEC. 11502. COVERAGE OF DENTAL AND ORAL HEALTH CARE.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (GG), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (HH), by striking the period at the end and adding ''; and''; and

(3) by adding at the end the following new subparagraph:

''(II) dental and oral health services (as defined in subsection (lll));''.

(b) DENTAL AND ORAL HEALTH SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''(lll) DENTAL AND ORAL HEALTH SERVICES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'dental and oral health services' means the following items and services that are furnished by a doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) or an oral health professional (as defined in paragraph (3)) on or after January 1, 2025:

''(A) PREVENTIVE AND SCREENING SERVICES.—Preventive and screening services, including oral exams, dental cleanings, dental x-rays, and fluoride treatments.

''(B) BASIC PROCEDURES.—Basic procedures, including services such as minor restorative services, periodontal maintenance, periodontal scaling and root planing, simple

tooth extractions, therapeutic pulpotomy, and other related items and services.

''(C) DENTURES.—Dentures and implants including related items and services.

''(2) EXCLUSIONS.—Such term does not include items and services for which, as of the date of the enactment of this subsection, coverage was permissible under section 1862(a)(12) and cosmetic services not otherwise covered under section 1862(a)(10).

''(3) ORAL HEALTH PROFESSIONAL.—The term 'oral health professional' means, with respect to dental and oral health services, a health professional (other than a doctor of dental surgery or of dental medicine (as described in subsection (r)(2))) who is licensed to furnish such services, acting within the scope of such license, by the State in which such services are furnished.''.

(c) PAYMENT; COINSURANCE; AND LIMITATIONS.—

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 11101, is amended—

(A) in subparagraph (N), by inserting ''and dental and oral health services (as defined in section 1861(lll))'' after ''section 1861(hhh)(1))'';

(B) by striking ''and'' before ''(EE)''; and

(C) by inserting before the semicolon at the end the following: ''and (FF) with respect to dental and oral health services (as defined in section 1861(lll)), the amount paid shall be the payment amount specified under section 1834(z)''.

(2) PAYMENT AND LIMITS SPECIFIED.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(z) PAYMENT AND LIMITS FOR DENTAL AND ORAL HEALTH SERVICES.—

''(1) PAYMENT.—The payment amount under this part for dental and oral health services (as defined in section 1861(lll)) shall be, subject to paragraphs (3) and (4), 80 percent of the lesser of—

''(A) the actual charge for the service; or

''(B)(i) in the case of such services furnished by a doctor of dental surgery or of dental medicine (as described in section 1861(r)(2)), the amount determined under the fee schedule established under paragraph (2); or

''(ii) in the case of such services furnished by an oral health professional (as defined in section 1861(lll)(3)), 85 percent of the amount determined under the fee schedule established under paragraph (2).

''(2) ESTABLISHMENT OF FEE SCHEDULE FOR DENTAL AND ORAL HEALTH SERVICES.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—The Secretary shall establish a fee schedule for dental and oral health services furnished in 2025 and subsequent years. The fee schedule amount for a dental or oral health service shall be equal 70 percent of the national median fee (as determined under subparagraph (B)) for the service or a similar service for the year (or, in the case of dentures, at the bundled payment amount under clause (iv) of such subparagraph), adjusted by the geographic adjustment factor established under section 1848(e)(2) for the area for the year.

''(ii) CONSULTATION.—In carrying out this paragraph, the Secretary shall consult annually with organizations representing dentists and other providers who furnish dental and oral health services and shall share with such providers the data and data analysis used to determine fee schedule amounts under this paragraph.

''(B) DETERMINATION OF NATIONAL MEDIAN FEE.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the Secretary shall apply the national median fee for a dental or oral health service for 2025 and subsequent years in accordance with this subparagraph.

''(ii) USE OF 2020 DENTAL FEE SURVEY.—

''(I) IN GENERAL.—Except as provided in clause (iii) or clause (iv), the national median fee for a dental or oral health service shall be equal to—

''(aa) for 2025, the median fee for the service in the table titled 'General Practitioners–National' of the '2020 Survey of Dental Fees' published by the American Dental Association, increased by the applicable percent increase for the year determined under subclause (II), as reduced by the productivity adjustment under subclause (III); and

''(bb) for 2026 and subsequent years, the amount determined under this subclause for the preceding year, updated pursuant to subparagraph (C)(i).

''(II) APPLICABLE PERCENT INCREASE.—The applicable percent increase determined under this subclause for a year is an amount equal to the percentage increase between—

''(aa) the consumer price index for all urban consumers (United States city average) ending with June of the previous year; and

''(bb) the consumer price index for all urban consumers (United States city average) ending with June of 2020.

''(III) PRODUCTIVITY ADJUSTMENT.—After determining the applicable percentage increase under subclause (II) for a year, the Secretary shall reduce such percentage increase by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II).

''(iii) DETERMINATION IF INSUFFICIENT SURVEY DATA.—If the Secretary determines there is insufficient data under the Survey described in clause (ii) with respect to a dental or oral health service, the national median fee for the service for a year shall be equal to an amount established for the service using one or more of the following methods, as determined appropriate by the Secretary:

''(I) The payment basis determined under section 1848.

''(II) Fee schedules for dental and oral health services which shall include, as practicable, fee schedules—

''(aa) under Medicare Advantage plans under part C;

''(bb) under State plans (or waivers of such plans) under title XIX; and

''(cc) established by other health care payers.

''(iv) SPECIAL RULE FOR DENTURES.—The Secretary shall make payment for dentures and associated professional services as a bundled payment as determined by the Secretary. In establishing such bundled payment, the Secretary shall consider the national median fee for the service for the year determined under clause (ii) or (iii) and the rate determined for such dentures under the Federal Supply Schedule of the General Services Administration, as published by such Administration in 2021, updated to the year involved using the applicable percent increase for the year determined under clause (ii)(II), as reduced by the productivity adjustment under clause (ii)(III), and shall ensure that the payment component for dentures under such bundled payment does not exceed the maximum rate determined for such dentures under the Federal Supply Schedule, as so published and updated to the year involved.

''(C) ANNUAL UPDATE AND ADJUSTMENTS.—

''(i) ANNUAL UPDATE.—The Secretary shall update payment amounts determined under the fee schedule from year to year beginning in 2026 by increasing such amounts from the prior year by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year, reduced by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II).

''(ii) ADJUSTMENTS.—

''(I) IN GENERAL.—The Secretary shall, to the extent the Secretary determines to be necessary and subject to subclause (II), adjust the amounts determined under the fee schedule established under this paragraph for 2026 and subsequent years to take into account changes in dental practice, coding changes, new data on work, practice, or malpractice expenses, or the addition of new procedures.

''(II) LIMITATION ON ANNUAL ADJUSTMENTS.—The adjustments under subclause (I) for a year shall not cause the amount of expenditures under this part for the year to differ by more than $20,000,000 from the amount of expenditures under this part that would have been made if such adjustments had not been made.

''(3) LIMITATIONS.—With respect to dental and oral health services that are preventive and screening services described in paragraph (1)(A) of section 1861(lll)—

''(A) payment shall be made under this part for—

''(i) not more than 2 oral exams in a year;

''(ii) not more than 2 dental cleanings in a year;

''(iii) not more than 1 fluoride treatment in a year; and

''(iv) not more than 1 full-mouth series of x-rays as part of a preventive and screening oral exam every 3 years; and

''(B) in the case of preventive and screening services not described in subparagraph (A), payment shall be made under this part only at such frequencies determined appropriate by the Secretary.

''(4) INCENTIVES FOR RURAL PROVIDERS.—In the case of dental and oral health services furnished by a doctor of dental surgery or of dental medicine (as described in section 1861(r)(2)) or an oral health professional (as defined in section 1861(lll)(3)) who predominantly furnishes such services under this part in an area that is designated by the Secretary (under section 332(a)(1)(A) of the Public Health Service Act) as a health professional shortage area, in addition to the amount of payment that would otherwise be made for such services under this subsection, there also shall be paid an amount equal to 10 percent of the payment amount for the service under this subsection for such doctor or professional.

''(5) LIMITATION ON BENEFICIARY LIABILITY.—The provisions of section 1848(g) shall apply to a nonparticipating doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) who does not accept payment on an assignment-related basis for dental and oral health services furnished with respect to an individual enrolled under this part in the same manner as such provisions apply with respect to a physician's service.

''(6) ESTABLISHMENT OF DENTAL ADMINISTRATOR.—The Secretary shall designate one or more (not to exceed 4) medicare administrative contractors under section 1874A to establish coverage policies and establish such policies and process claims for payment for dental and oral health services, as determined appropriate by the Secretary.''.

(d) INCLUSION OF ORAL HEALTH PROFESSIONALS AS CERTAIN PRACTITIONERS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

''(vii) With respect to 2026 and each subsequent year, an oral health professional (as defined in section 1861(lll)(3)).''.

(e) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (O), by striking ''and'' at the end;

(B) in subparagraph (P), by striking the semicolon at the end and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(Q) in the case of dental and oral health services (as defined in section 1861(lll)) for which a limitation is applicable under section 1834(z)(3), which are furnished more frequently than is provided under such section.''; and

(2) in paragraph (12), by inserting before the semicolon at the end the following: ''and except that payment shall be made under part B for dental and oral health services that are covered under section 1861(s)(2)(II)''.

(f) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(iii) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)), as added by section 11501(d), is amended—

(1) by striking ''or hearing aids'' and inserting ''hearing aids''; and

(2) by inserting '', or dental and oral health services (as defined in subsection (lll) of such section)'' after ''subsection (s)(8) of such section''.

(g) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) COVERAGE OF DENTAL AND ORAL HEALTH SERVICES.—Section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)), is amended—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by inserting ''and'' after the comma at the end; and

(iii) by inserting after subparagraph (C) the following new subparagraph:

''(D) dental and oral health services (as defined in subsection (lll)) furnished by a doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) or an oral health professional (as defined in subsection (lll)(3)) who is employed by or working under contract with a rural health clinic if such rural health clinic furnishes such services,''; and

(B) in paragraph (3)(A), by striking ''(C)'' and inserting ''(D)''.

(2) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(i) in subsection (a)(3)(A), by inserting ''(which shall, in the case of dental and oral health services (as defined in section 1861(lll)), in lieu of any limits on reasonable costs otherwise applicable, be based on the rates payable for such services under the payment basis determined under section 1848 until such time as the Secretary determines sufficient data has been collected to otherwise apply such limits (or January 1, 2030, if no such determination has been made as of such date))'' after ''may prescribe in regulations''; and

(ii) by adding at the end the following new subsection:

''(ee) DISREGARD OF COSTS ATTRIBUTABLE TO CERTAIN SERVICES FROM CALCULATION OF RHC AIR.—Payments for rural health clinic services other than dental and oral health services (as defined in section 1861(lll)) under the methodology for all-inclusive rates (established by the Secretary) under subsection (a)(3) shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848.''.

(B) PPS.—Section 1834(o) of the Social Security Act (42 U.S.C. 1395m(o)) is amended by adding at the end the following new paragraph:

''(5) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(lll) that are Federally qualified health center services under the prospective payment system established under this subsection, in lieu of the rates otherwise applicable under such system, base such rates on rates payable for such services under the payment basis established under section 1848 until such time as the Secretary determines sufficient data has been collected to otherwise establish rates for such services under such system (or January 1, 2030, if no such determination has been made as of such date). Payments for Federally qualified health center services other than such dental and oral health services under such system shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848.''.

(h) IMPLEMENTATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2022, and ending on September 30, 2031.

SEC. 11503. PROVIDING COVERAGE FOR HEARING CARE UNDER THE MEDICARE PROGRAM.

(a) PROVISION OF AUDIOLOGY SERVICES BY QUALIFIED AUDIOLOGISTS AND HEARING AID EXAMINATION SERVICES BY QUALIFIED HEARING AID PROFESSIONALS.—

(1) IN GENERAL.—Section 1861(ll) of the Social Security Act (42 U.S.C. 1395x(ll)) is amended—

(A) in paragraph (3)—

(i) by inserting ''(A)'' after ''(3)'';

(ii) in subparagraph (A), as added by clause (i) of this subparagraph—

(I) by striking ''means such hearing and balance assessment services'' and inserting ''means—

''(i) such hearing and balance assessment services and, beginning January 1, 2024, such hearing aid examination services and treatment services (including aural rehabilitation, vestibular rehabilitation, and cerumen management)'';

(II) in clause (i), as added by subclause (I) of this clause, by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following new clause:

''(ii) beginning January 1, 2024, such hearing aid examination services furnished by a qualified hearing aid professional (as defined in paragraph (4)(C)) as the professional is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), as would otherwise be covered if furnished by a physician.''; and

(iii) by adding at the end the following new subparagraph:

''(B) Beginning January 1, 2024, audiology services described in subparagraph (A)(i) shall be furnished without a requirement for an order from a physician or practitioner.''; and

(B) in paragraph (4), by adding at the end the following new subparagraph:

''(C) The term 'qualified hearing aid professional' means an individual who—

''(i) is licensed or registered as a hearing aid dispenser, hearing aid specialist, hearing instrument dispenser, or related professional by the State in which the individual furnishes such services; and

''(ii) is accredited by the National Board for Certification in Hearing Instrument Sciences or meets such other requirements as the Secretary determines appropriate (including requirements relating to educational certifications or accreditations) taking into account any additional relevant requirements for hearing aid specialists, hearing aid dispensers, and hearing instrument dispensers established by Medicare Advantage organizations under part C, State plans (or waivers of such plans) under title XIX, and group health plans and health insurance issuers (as such terms are defined in section 2791 of the Public Health Service Act).''.

(2) PAYMENT FOR QUALIFIED HEARING AID PROFESSIONALS.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 11101(b) and 11501, is further amended—

(A) by striking ''and'' before ''(FF)''; and

(B) by inserting before the semicolon at the end the following: ''and (GG) with respect to hearing aid examination services (as described in paragraph (3)(A)(ii) of section 1861(ll)) furnished by a qualified hearing aid professional (as defined in paragraph (4)(C) of such section), the amounts paid shall be equal to 80 percent of the lesser of the actual charge for such services or 85 percent of the amount for such services determined under the payment basis determined under section 1848''.

(3) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS CERTAIN PRACTITIONERS TO RECEIVE PAYMENT ON AN ASSIGNMENT-RELATED BASIS.—

(A) QUALIFIED AUDIOLOGISTS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), as amended by section 11502, is amended by adding at the end the following new clause:

''(viii) Beginning on January 1, 2024, a qualified audiologist (as defined in section 1861(ll)(4)(B)).''.

(B) QUALIFIED HEARING AID PROFESSIONALS.—Section 1842(b)(18) of the Social Security Act (42 U.S.C. 1395u(b)(18)) is amended—

(i) in each of subparagraphs (A) and (B), by ''striking subparagraph (C)'' and inserting ''subparagraph (C) or, beginning on January 1, 2024, subparagraph (E)''; and

(ii) by adding at the end the following new subparagraph:

''(E) A practitioner described in this subparagraph is a qualified hearing aid professional (as defined in section 1861(ll)(4)(C)).''.

(b) COVERAGE OF HEARING AIDS.—

(1) INCLUSION OF HEARING AIDS AS PROSTHETIC DEVICES.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended by inserting '', and including hearing aids (as described in section 1834(h)(7)) furnished on or after January 1, 2024, to individuals with moderately severe, severe, or profound hearing loss'' before the semicolon at the end.

(2) PAYMENT LIMITATIONS FOR HEARING AIDS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraphs:

''(6) PAYMENT ONLY ON AN ASSIGNMENT-RELATED BASIS.—Payment for hearing aids for which payment may be made under this part may be made only on an assignment-related basis. The provisions of subparagraphs (A) and (B) of section 1842(b)(18) shall apply to hearing aids in the same manner as they apply to services furnished by a practitioner described in subparagraph (C) of such section.

''(7) LIMITATIONS FOR HEARING AIDS.—

''(A) IN GENERAL.—Payment may be made under this part with respect to an individual, with respect to hearing aids furnished by a qualified hearing aid supplier (as defined in subparagraph (B)) on or after January 1, 2024—

''(i) not more than once per ear during a 5-year period;

''(ii) only for types of such hearing aids that are determined appropriate by the Secretary; and

''(iii) only if furnished pursuant to a written order of a physician, qualified audiologist (as defined in section 1861(ll)(4)), qualified hearing aid professional (as so defined), physician assistant, nurse practitioner, or clinical nurse specialist.

''(B) DEFINITIONS.—In this subsection:

''(i) HEARING AID.—The term 'hearing aid' means the item and related services including selection, fitting, adjustment, and patient education and training.

''(ii) QUALIFIED HEARING AID SUPPLIER.—The term 'qualified hearing aid supplier' means—

''(I) a qualified audiologist;

''(II) a physician (as defined in section 1861(r)(1));

''(III) a physician assistant, nurse practitioner, or clinical nurse specialist;

''(IV) a qualified hearing aid professional (as defined in 1861(ll)(4)(C)); and

''(V) other suppliers as determined by the Secretary.''.

(3) APPLICATION OF COMPETITIVE ACQUISITION.—

(A) IN GENERAL.—Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)) is amended—

(i) in the header, by inserting ''AND HEARING AIDS'' after ''ORTHOTICS'';

(ii) by inserting ''or of hearing aids described in paragraph (2)(D) of such section,'' after ''2011,''; and

(iii) in clause (i), by inserting ''or such hearing aids'' after ''such orthotics''.

(B) CONFORMING AMENDMENTS.—

(i) IN GENERAL.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)) is amended by adding at the end the following new subparagraph:

''(D) HEARING AIDS.—Hearing aids described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h).''.

(ii) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.—Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w–3(a)(7)) is amended by adding at the end the following new subparagraph:

''(C) CERTAIN HEARING AIDS.—Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service.''.

(iii) IMPLEMENTATION.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)) is amended by adding at the end the following new paragraph:

''(8) COMPETITION WITH RESPECT TO HEARING AIDS.—Not later than January 1, 2029, the Secretary shall begin the competition with respect to the items and services described in paragraph (2)(D).''.

(4) PHYSICIAN SELF-REFERRAL LAW.—Section 1877(b) of the Social Security Act (42 U.S.C. 1395nn(b)) is amended by adding at the end the following new paragraph:

''(6) HEARING AIDS AND SERVICES.—In the case of hearing aid examination services and hearing aids—

''(A) furnished on or after January 1, 2024, and before January 1, 2026; and

''(B) furnished on or after January 1, 2026, if the financial relationship specified in subsection (a)(2) meets such requirements the Secretary imposes by regulation to protect against program or patient abuse.''.

(c) EXCLUSION MODIFICATION.—Section 1862(a)(7) of the Social Security Act (42 U.S.C. 1395y(a)(7)) is amended by inserting ''(except such hearing aids or examinations therefor as described in and otherwise allowed under section 1861(s)(8))'' after ''hearing aids or examinations therefor''.

(d) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)) is amended—

(1) in clause (i), by striking ''or'';

(2) in clause (ii), by striking the period and inserting '', or''; and

(3) by adding at the end the following new clause:

''(iii) consisting of audiology services described in subsection (ll)(3) of section 1861, or hearing aids described in subsection (s)(8) of such section, that are payable under part B as a result of the amendments made by the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''.

(e) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) CLARIFYING COVERAGE OF AUDIOLOGY SERVICES AS PHYSICIANS' SERVICES.—Section 1861(aa)(1)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)) is amended by inserting ''(including audiology services (as defined in subsection (ll)(3)))'' after ''physicians' services''.

(2) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS RHC AND FQHC PRACTITIONERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by inserting ''or by a qualified audiologist or a qualified hearing aid professional (as such terms are defined in subsection (ll)),'' after ''(as defined in subsection (hh)(1)),''.

(3) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 13951), as amended by section 11502(g), is amended—

(i) in subsection (a)(3)(A), by inserting ''and audiology services (as defined in section 1861(ll)(3))'' after ''(as defined in section 1861(lll)''; and

(ii) in subsection (e), by inserting ''and audiology services (as defined in section 1861(ll)(3))'' after ''(as defined in section 1861(lll)''.

(B) PPS.—Section 1834(o)(5) of the Social Security Act (42 U.S.C. 1395m(o)), as added by section 11501(e), is amended—

(i) in the first sentence, by inserting '' and audiology services (as defined in section 1861(ll)(3))'' after ''(as defined in section 1861(lll))''; and

(ii) in the second sentence, by inserting ''and such audiology services'' after ''such dental and oral health services''.

(f) IMPLEMENTATION FOR 2023 THROUGH 2025.—The Secretary of Health and Human Services shall implement the provisions of, and the amendments made by, this section for 2023, 2024, and 2025 by program instruction or other forms of program guidance.

(g) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $370,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2023, and ending on September 30, 2032.

SEC. 11504. PROVIDING COVERAGE FOR VISION CARE UNDER THE MEDICARE PROGRAM.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 11502(a), is amended—

(1) in subparagraph (HH), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (II), by striking the period at the end and adding ''; and''; and

(3) by adding at the end the following new subparagraph:

''(JJ) vision services (as defined in subsection (mmm));''.

(b) VISION SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 11502(b), is amended by adding at the end the following new subsection:

''(mmm) VISION SERVICES.—The term 'vision services' means routine eye examinations to determine the refractive state of the eyes, including procedures performed during the course of such examination, furnished on or after January 1, 2023, by or under the direct supervision of an ophthalmologist or optometrist who is legally authorized to furnish such examinations or procedures (as applicable) under State law (or the State regulatory mechanism provided by State law) of the State in which the examinations or procedures are furnished.''.

(c) PAYMENT LIMITATIONS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m), as amended by section 11502(c), is amended by adding at the end the following new subsection:

''(aa) LIMITATION FOR VISION SERVICES.—With respect to vision services (as defined in section 1861(mmm)) and an individual, payment shall be made under this part for only 1 routine eye examination described in such subsection during a 2-year period.''.

(d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)) is amended by inserting ''(2)(JJ),'' before ''(3)''.

(e) COVERAGE OF CONVENTIONAL EYEGLASSES.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)), as amended by section 11503(b), is amended by striking '', and including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens'' and inserting '', including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens, if furnished before January 1, 2023, and including (as described in section 1834(h)(8)) conventional eyeglasses, whether or not furnished subsequent to such a surgery, if furnished on or after January 1, 2023''.

(f) SPECIAL PAYMENT RULES FOR EYEGLASSES.—

(1) LIMITATIONS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)), as amended by section 11503(b), is amended by adding at the end the following new paragraph:

''(8) PAYMENT LIMITATIONS FOR EYEGLASSES.—

''(A) IN GENERAL.—With respect to conventional eyeglasses furnished to an individual on or after January 1, 2023, subject to subparagraph (B), payment shall be made under this part only during a 2-year period, for one pair of eyeglasses (including lenses and the frame).

''(B) EXCEPTION.—With respect to a 2-year period described in subparagraph (A), in the case of an individual who receives cataract surgery with insertion of an intraocular lens, payment shall be made under this part for one pair of conventional eyeglasses furnished subsequent to such cataract surgery during such period.

''(C) NO COVERAGE OF CERTAIN ITEMS.—Payment shall not be made under this part for deluxe eyeglasses or conventional reading glasses.''.

(2) APPLICATION OF COMPETITIVE ACQUISITION.—

(A) IN GENERAL.—Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)), as amended by section 11503(b), is amended—

(i) in the header, by striking ''**AND HEARING AIDS**'' and inserting ''**HEARING AIDS, AND EYEGLASSES**''

(ii) by striking ''or of hearing aids'' and inserting ''of hearing aids'';

(iii) by inserting ''or of eyeglasses described in paragraph (2)(E) of such section,'' after ''paragraph (2)(D) of such section,''; and

(iv) in clause (i), by striking ''or such hearing aids'' and inserting '', such hearing aids, or such eyeglasses''.

(B) CONFORMING AMENDMENT.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)), as amended by section 11503(b), is amended by adding at the end the following new subparagraph:

''(E) EYEGLASSES.—Eyeglasses described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h).''.

(C) IMPLEMENTATION.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)), as amended by section 11503(b), is amended by adding at the end the following new paragraph:

''(9) COMPETITION WITH RESPECT TO EYEGLASSES.—Not later than January 1, 2028, the Secretary shall begin the competition with respect to the items and services described in paragraph (2)(E).''.

(g) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)), as amended by section 11502(e), is amended—

(1) in paragraph (1)—

(A) in subparagraph (P), by striking ''and'' at the end;

(B) in subparagraph (Q), by striking the semicolon at the end and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(R) in the case of vision services (as defined in section 1861(mmm)) that are routine eye examinations as described in such section, which are furnished more frequently than once during a 2-year period;''; and

(2) in paragraph (7)—

(A) by inserting ''(other than such an examination that is a vision service that is covered under section 1861(s)(2)(JJ))'' after ''eye examinations''; and

(B) by inserting ''(other than such a procedure that is a vision service that is covered under section 1861(s)(2)(JJ))'' after ''refractive state of the eyes''.

(h) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(iii) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)), as added by section 11501(d) and amended by section 11503(f), is amended—

(1) by striking ''or dental'' and inserting ''dental''; and

(2) by inserting '', or vision services (as defined in subsection (mmm) of such section)'' after ''(as defined in subsection (lll) of such section)''.

(i) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) CLARIFYING COVERAGE OF VISION SERVICES AS PHYSICIANS' SERVICES.—Section 1861(aa)(1)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)), as amended by section 11501(e), is amended by inserting ''and vision services (as defined in subsection (mmm))'' after ''(as defined in subsection (ll)(3))''.

(2) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 1395l), as amended by sections 11502(g) and 11503(e), is amended—

(i) in subsection (a)(3)(A)—

(I) by striking ''or audiology'' and inserting '', audiology''; and

(II) by inserting '', or vision services (as defined in section 1861(mmm))'' after ''(as defined in section 1861(ll)(3))''; and

(ii) in subsection (e)—

(I) by striking ''or audiology'' and inserting '', audiology''; and

(II) by inserting '', and vision services (as defined in section 1861(mmm))'' after ''(as defined in section 1861(ll)(3))''.

(B) PPS.—Section 1834(o)(5) of the Social Security Act (42 U.S.C. 1395m(o)), as added by section 11502(g) and amended by section 11503(e), is amended—

(i) in the first sentence—

(I) by striking ''and audiology'' and inserting '', audiology''; and

(II) by inserting '', and vision services (as defined in section 1861(mmm))'' after ''(as defined in section 1861(ll)(3))''; and

(ii) in the second sentence, by striking ''and such audiology services'' and inserting '', such audiology services, and such vision services''.

(j) EXPEDITING IMPLEMENTATION.—The Secretary shall implement this section for the period beginning on January 1, 2023, and ending on December 31, 2024, through program instruction or other forms of program guidance.

(k) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2023, and ending on September 30, 2031.

SEC. 11505. PHASE-IN OF IMPACT OF DENTAL AND ORAL HEALTH COVERAGE ON PART B PREMIUMS.

Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) is amended—

(1) in the second sentence of paragraph (1), by striking ''and (7)'' and inserting ''(7), and (8)'';

(2) in paragraph (3), by striking ''The Secretary'' and inserting ''Subject to paragraph (8)(C), the Secretary''; and

(3) by adding at the end the following:

''(8) SPECIAL RULE FOR 2025 THROUGH 2028.—

''(A) DETERMINATION OF ALTERNATIVE MONTHLY ACTUARIAL RATE FOR EACH OF 2025 THROUGH 2028.—For each of 2025 through 2028, the Secretary shall, at the same time as and in addition to the determination of the monthly actuarial rate for enrollees age 65 and over determined in each of 2024 through 2027 for the succeeding calendar year according to paragraph (1), determine an alternative monthly actuarial rate for enrollees age 65 and over for the year as described in subparagraph (B).

''(B) ALTERNATIVE MONTHLY ACTUARIAL RATE DESCRIBED.—

''(i) IN GENERAL.—The alternative monthly actuarial rate described in this subparagraph is—

''(I) for 2025, the monthly actuarial rate for enrollees age 65 and over for the year, determined as if the amendments made by section 11502 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' did not apply; and

''(II) for 2026, 2027, and 2028, the monthly actuarial rate for enrollees age 65 and over for the year, determined as if the amendments made by such section 11502 did not apply, plus the applicable percent of the amount by which—

''(aa) the monthly actuarial rate for enrollees age 65 and over for the year determined according to paragraph (1); exceeds

''(bb) the monthly actuarial rate for enrollees age 65 and over for the year, determined as if the amendments made by such section 11502 did not apply.

''(ii) DEFINITION OF APPLICABLE PERCENT.—For purposes of this subparagraph, the term 'applicable percent' means—

''(I) for 2026, 25 percent;

''(II) for 2027, 50 percent; and

''(III) for 2028, 75 percent.

''(C) APPLICATION TO PART B PREMIUM AND OTHER PROVISIONS OF THIS PART.—For each of 2025 through 2028, the Secretary shall use the alternative monthly actuarial rate for enrollees age 65 and over for the year determined under subparagraph (A), in lieu of the monthly actuarial rate for such enrollees for the year determined according to paragraph (1), when determining the monthly premium rate for the year under paragraph (3) and subsection (j), the part B deductible under section 1833(b), and the premium subsidy and monthly adjustment amount under subsection (i).''.

Subpart B—Tax Provisions

SEC. 11511. APPLICATION OF NET INVESTMENT INCOME TAX TO TRADE OR BUSINESS INCOME OF CERTAIN HIGH INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1411 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) APPLICATION TO CERTAIN HIGH INCOME INDIVIDUALS.—

''(1) IN GENERAL.—In the case of any individual whose modified adjusted gross income for the taxable year exceeds the high income threshold amount, subsection (a)(1) shall be applied by substituting 'the greater of specified net income or net investment income' for 'net investment income' in subparagraph (A) thereof.

''(2) PHASE-IN OF INCREASE.—The increase in the tax imposed under subsection (a)(1) by reason of the application of paragraph (1) of this subsection shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this paragraph) as—

''(A) the excess described in paragraph (1), bears to

''(B) $100,000 (½ such amount in the case of a married taxpayer (as defined in section 7703) filing a separate return).

''(3) HIGH INCOME THRESHOLD AMOUNT.—For purposes of this subsection, the term 'high income threshold amount' means—

''(A) except as provided in subparagraph (B) or (C), $400,000,

''(B) in the case of a taxpayer making a joint return under section 6013 or a surviving spouse (as defined in section 2(a)), $500,000, and

''(C) in the case of a married taxpayer (as defined in section 7703) filing a separate return, ½ of the dollar amount determined under subparagraph (B).

''(4) SPECIFIED NET INCOME.—For purposes of this section, the term 'specified net income' means net investment income determined—

''(A) without regard to the phrase 'other than such income which is derived in the ordinary course of a trade or business not described in paragraph (2),' in subsection (c)(1)(A)(i),

''(B) without regard to the phrase 'described in paragraph (2)' in subsection (c)(1)(A)(ii),

''(C) without regard to the phrase 'other than property held in a trade or business not described in paragraph (2)' in subsection (c)(1)(A)(iii),

''(D) without regard to paragraphs (2), (3), and (4) of subsection (c), and

''(E) by treating paragraphs (5) and (6) of section 469(c) (determined without regard to the phrase 'To the extent provided in regulations,' in such paragraph (6)) as applying for purposes of subsection (c) of this section.''.

(b) APPLICATION TO TRUSTS AND ESTATES.—Section 1411(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''undistributed net investment income'' and inserting ''the greater of undistributed specified net income or undistributed net investment income''.

(c) CLARIFICATIONS WITH RESPECT TO DETERMINATION OF NET INVESTMENT INCOME.—

(1) CERTAIN EXCEPTIONS.—Section 1411(c)(6) of the Internal Revenue Code of 1986 is amended to read as follows:

''(6) SPECIAL RULES.—Net investment income shall not include—

''(A) any item taken into account in determining self-employment income for such taxable year on which a tax is imposed by section 1401(b),

''(B) wages received with respect to employment on which a tax is imposed under section 3101(b) or 3201(a) (including amounts taken into account under section 3121(v)(2)), and

''(C) wages received from the performance of services earned outside the United States for a foreign employer.''.

(2) NET OPERATING LOSSES NOT TAKEN INTO ACCOUNT.—Section 1411(c)(1)(B) of such Code is amended by inserting ''(other than section 172)'' after ''this subtitle''.

(3) INCLUSION OF CERTAIN FOREIGN INCOME.—

(A) IN GENERAL.—Section 1411(c)(1)(A) of such Code is amended by striking ''and'' at the end of clause (ii), by striking ''over'' at the end of clause (iii) and inserting ''and'', and by adding at the end the following new clause:

''(iv) any amount includible in gross income under section 951, 951A, 1293, or 1296, over''.

(B) PROPER TREATMENT OF CERTAIN PREVIOUSLY TAXED INCOME.—Section 1411(c) of such Code is amended by adding at the end the following new paragraph:

''(7) CERTAIN PREVIOUSLY TAXED INCOME.—The Secretary shall issue regulations or other guidance providing for the treatment of—

''(A) distributions of amounts previously included in gross income for purposes of chapter 1 but not previously subject to tax under this section, and

''(B) distributions described in section 962(d).''.

(d) DEPOSIT INTO MEDICARE HOSPITAL INSURANCE TRUST FUND.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) the excess of—

''(A) the taxes imposed by 1411(a) of the Internal Revenue Code of 1986, as reported to the Secretary of the Treasury or his delegate pursuant to subtitle F of such Code after December 31, 2022, over

''(B) the taxes which would have been imposed under such section after such date, determined as if the amendments made by section 11511 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14') did not apply, as estimated by the Secretary of the Treasury.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(f) TRANSITION RULE.—The regulations or other guidance issued by the Secretary under section 1411(c)(7) of the Internal Revenue Code of 1986 (as added by this section) shall include provisions which provide for the proper coordination and application of clauses (i) and (iv) of section 1411(c)(1)(A) with respect to—

(1) taxable years beginning on or before December 31, 2022, and

(2) taxable years beginning after such date.

SEC. 11512. INCREASE IN TOP MARGINAL INDIVIDUAL INCOME TAX RATE.

(a) RE-ESTABLISHMENT OF 39.6 PERCENT RATE BRACKET.—

(1) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The table contained in section 1(j)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last two rows and inserting the following: ''

''Over $400,000 but not over $450,000.	$91,379, plus 35% of the excess over $400,000
Over $450,000	$108,879, plus 39.6% of the excess over $450,000.''.

(2) HEADS OF HOUSEHOLDS.—The table contained in section 1(j)(2)(B) of such Code is amended by striking the last two rows and inserting the following: ''

''Over $200,000 but not over $425,000.	$44,298, plus 35% of the excess over $200,000
Over $425,000	$123,048, plus 39.6% of the excess over $425,000.''.

(3) UNMARRIED INDIVIDUALS OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS.—The table contained in section 1(j)(2)(C) of such Code is amended by striking the last two rows and inserting the following: ''

''Over $200,000 but not over $400,000.	$45,689.50, plus 35% of the excess over $200,000
Over $400,000	$115,689.50, plus 39.6% of the excess over $400,000.''.

(4) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—The table contained in section 1(j)(2)(D) of such Code is amended by striking the last two rows and inserting the following: ''

''Over $200,000 but not over $225,000.	$45,689.50, plus 35% of the excess over $200,000
Over $225,000	$54,439.50, plus 39.6% of the excess over $225,000.''.

(5) ESTATES AND TRUSTS.—The table contained in section 1(j)(2)(E) of such Code is amended by striking the last row and inserting the following: ''

''Over $12,500	$3,011.50, plus 39.6% of the excess over $12,500.''.

(b) APPLICATION OF ADJUSTMENTS.—Section 1(j)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) ADJUSTMENTS.—For taxable years beginning after December 31, 2022, the Secretary shall prescribe tables which shall apply in lieu of the tables contained in paragraph (2) in the same manner as under paragraphs (1) and (2) of subsection (f) (applied without regard to clauses (i) and (ii) of subsection (f)(2)(A)), except that in prescribing such tables—

''(A) except as provided in subparagraph (B), subsection (f)(3) shall be applied by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof,

''(B) in the case of adjustments to the dollar amounts at which the 39.6 percent rate bracket begins (other than such dollar amount in paragraph (2)(E))—

''(i) no adjustment shall be made for taxable years beginning after December 31, 2022, and before January 1, 2024, and

''(ii) in the case of any taxable year beginning after December 31, 2023, subsection (f)(3) shall be applied by substituting 'calendar year 2022' for 'calendar year 2016',

''(C) subsection (f)(7)(B) shall apply to any unmarried individual other than a surviving spouse, and

''(D) subsection (f)(8) shall not apply.''.

(c) MODIFICATION TO 39.6 PERCENT RATE BRACKET FOR HIGH-INCOME TAXPAYERS AFTER 2025.—Section 1(i)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) MODIFICATIONS TO 39.6 PERCENT RATE BRACKET.—In the case of taxable years beginning after December 31, 2025—

''(A) IN GENERAL.—The rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in excess of the 39.6 percent rate bracket threshold shall be taxed at a rate of 39.6 percent.

''(B) 39.6 PERCENT RATE BRACKET THRESHOLD.—For purposes of this paragraph, the term '39.6 percent rate bracket threshold' means—

''(i) in the case any taxpayer described in subsection (a), $450,000,

''(ii) in the case of any taxpayer described in subsection (b), $425,000,

''(iii) in the case of any taxpayer described in subsection (c), $400,000, and

''(iv) in the case of any taxpayer described in subsection (d), $225,000.

''(C) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2025, each of the dollar amounts in subparagraph (B) shall be adjusted in the same manner as under paragraph (1)(C)(i), except that subsection (f)(3)(A)(ii) shall be applied by substituting '2022' for '2016'.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1(j)(1) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2017'' and inserting ''December 31, 2022''.

(2) The heading of section 1(j) is amended by striking ''2018'' and inserting ''2023''.

(3) The heading of section 1(i) is amended by striking ''RATE REDUCTIONS'' and inserting ''MODIFICATIONS''

(4) Section 15(f) is amended by striking ''rate reductions'' and inserting ''modifications''.

(e) SECTION 15 NOT TO APPLY.—For rules providing that section 15 of the Internal Revenue Code of 1986 does not apply to the amendments made by this section, see sections 1(j)(6) and 15(f) of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5212. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50171 and insert the following:

SEC. 50171. DEPARTMENT OF ENERGY OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $268,000,000, to remain available through September 30, 2031, for oversight by the Department of Energy Office of Inspector General of Department of Energy activities.

SA 5213. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page ____, strike lines _____ through _____ and insert the following:

(3) NO TAX INCREASES ON CERTAIN TAXPAYERS.—Nothing in this subsection shall be applied in a manner that increases taxes on any taxpayer with a taxable income below $400,000.

SA 5214. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED HOMICIDE OFFENSES IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed homicide offenses in the United States.

SA 5215. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED FELONY RAPE OFFENSES IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony rape offenses in the United States.

SA 5216. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED SEXUAL OFFENSES INVOLVING MINORS IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed sexual offenses involving minors in the United States.

SA 5217. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 371, strike lines 1 through 16 and insert the following:

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity—

''(i) none of the applicable critical minerals (as defined in section 45X(c)(6)) contained in such battery were extracted or processed in any country whose government has, according to a determination issued by the Secretary of State during the 10-year period preceding the date of enactment of the Inflation Reduction Act of 2022, committed genocide or crimes against humanity, and

''(ii) the percentage of the value of the applicable critical minerals (as so defined) contained in such battery that were—

''(I) extracted or processed in any country with which the United States has a free trade agreement in effect, or

''(II) recycled in North America,

is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

SA 5218. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70002 and insert the following:

SEC. 70002. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED FELONY CRIMINAL OFFENSES IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony criminal offenses in the United States.

SA 5219. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 717, strike line 3 and all that follows through ''$3,000,000,000'' on line 10, and insert the following:

SEC. 70002. DRUG INTERDICTION ALONG BORDER; IMMIGRATION ENFORCEMENT, DETENTION, AND REMOVAL; UNITED STATES POSTAL SERVICE CLEAN FLEETS.

(a) In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until expended, for—

(1) procurement, construction, and improvements for technology that has been authorized by U.S. Customs and Border Protection to detect drug contraband entering the United States at or between ports of entry;

(2) salaries and expenses relating to U.S. Customs and Border Protection's technology for detecting drugs and contraband entering the United States at or between ports of entry; and

(3) necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony criminal offenses in the United States.

(b) In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to be deposited in the Postal Service Fund established under section 2003 of title 39, United States Code, $1,500,000,000

SA 5220. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 717, strike line 3 and all that follows through ''$3,000,000,000'' on line 10, and insert the following:

SEC. 70002. DRUG INTERDICTION ALONG BORDER; UNITED STATES POSTAL SERVICE CLEAN FLEETS.

(a) In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until expended, for—

(1) procurement, construction, and improvements for technology that has been authorized by U.S. Customs and Border Protection to detect drug contraband entering the United States at or between ports of entry; and

(2) salaries and expenses relating to U.S. Customs and Border Protection's technology for detecting drugs and contraband entering the United States at or between ports of entry.

(b) In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to be deposited in the Postal Service Fund established under section 2003 of title 39, United States Code, $1,500,000,000

SA 5221. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70006 and insert the following:

SEC. 70006. FEDERAL EMERGENCY MANAGEMENT AGENCY BUILDING MATERIALS PROGRAM.

(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency may provide financial assistance in accordance with sections 203(h), 404(a), and 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(h), 42 U.S.C. 5170c(a), 42 U.S.C. 5172(b)) for—

(1) costs associated with the construction of a border wall or barrier between Mexico and the United States; and

(2) costs associated with the construction or maintenance of detention facilities for illegal aliens awaiting deportation.

(b) SUNSET.—This section shall cease to be effective after September 30, 2026.

SA 5222. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026___. SENSE OF THE SENATE ON THE IMPORTANCE OF THE ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the sense of the Senate that—

(1) the United States is stronger when the United States is energy independent; and

(2) all applicable Federal agencies should continue to carry out activities with respect to oil and gas leases, drilling, refining, and pipelines in order for the United States to become an energy independent nation.

SA 5223. Mr. PORTMAN submitted an amendment intended to be proposed by

him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 70005 and insert the following:

SEC. 70005. OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,000,000, to remain available until September 30, 2026, for necessary expenses to—

(1) oversee the implementation of this Act; and

(2) track labor, equity, and environmental standards and performance.

SEC. 70006. UNIFORM APPLICATION PROCESS FOR FEDERAL GRANTS.

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000, to remain available until September 30, 2026, for necessary expenses to develop a uniform application process for Federal research grants that requires researchers associated with a proposed project that may receive a Federal grant to disclose—

(1) biographical information;

(2) all affiliations, including affiliations with any foreign military, foreign government-related organization, or foreign-funded institution;

(3) all current and pending support, including support from any foreign institution, foreign government, or foreign laboratory; and

(4) all past support received from foreign sources.

SA 5224. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR NARCOTIC AND OPIOID DETECTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, which shall remain available until September 30, 2027, to acquire, deploy, operate, and maintain nonintrusive inspection capabilities, including chemical screening devices, to identify, in an operational environment, synthetic opioids and other narcotics at purity levels that are not more than 10 percent.

(b) USE OF FUNDS.—Amounts appropriated under subsection (a) may also be used—

(1) to train users on the equipment described in subsection (a);

(2) to provide directors of ports of entry with an alternate method for identifying narcotics, including synthetic opioids, at lower purity levels;

(3) to test any new chemical screening devices to understand the abilities and limitations of such devices relating to identifying narcotics at various purity levels before U.S. Customs and Border Protection commits to the acquisition of such devices; and

(4) to modify and upgrade ports of entry to accommodate capabilities funded under this section.

SA 5225. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. REGULATORY REFORM.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY RRO.—The term ''agency RRO'' means the Regulatory Reform Officer of an agency designated under subsection (b)(1).

(3) COSTS.—The term ''costs'' means opportunity cost to society.

(4) COST SAVINGS.—The term ''cost savings'' means the cost imposed by a regulatory action that is eliminated by the repeal, replacement, or modification of the regulatory action.

(5) DEREGULATORY ACTION.—The term ''deregulatory action'' means the repeal, replacement, or modification of an existing regulatory action.

(6) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(7) INCREMENTAL REGULATORY COST.—The term ''incremental regulatory cost'' means the difference between the estimated cost of issuing a significant regulatory action and the estimated cost saved by issuing any deregulatory action.

(8) REGULATION; RULE.—The term ''regulation'' or ''rule'' has the meaning given the term ''rule'' in section 551 of title 5, United States Code.

(9) REGULATORY ACTION.—The term ''regulatory action'' means—

(A) any regulation; and

(B) any other regulatory guidance, statement of policy, information collection request, form, or reporting, recordkeeping, or disclosure requirements that imposes a burden on the public or governs agency operations.

(10) SIGNIFICANT REGULATORY ACTION.—The term ''significant regulatory action'' means any regulatory action, other than monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee, that is likely to—

(A) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise a novel legal or policy issue.

(11) STATE.—The term ''State'' means each of the several States, the District of Columbia, and each territory or possession of the United States.

(12) TASK FORCE.—The term ''Task Force'' means the regulatory reform task force of an agency described in subsection (b)(2).

(b) ESTABLISHING REGULATORY REFORM CAPACITY.—

(1) REGULATORY REFORM OFFICERS.—

(A) IN GENERAL.—Except as provided in subsection (e), each agency shall designate an employee or officer of the agency as the Regulatory Reform Officer.

(B) DUTIES.—In accordance with applicable law and in consultation with relevant senior agency officials, each agency RRO shall oversee—

(i) the implementation of regulatory reform initiatives and policies for the agency to ensure that the agency effectively carries out regulatory reforms; and

(ii) the termination of programs and activities that derive from or implement statutes, Executive orders, guidance documents, policy memoranda, rule interpretations, and similar documents, or relevant portions thereof, that have been repealed or rescinded.

(2) REGULATORY REFORM TASK FORCES.—

(A) ESTABLISHMENT OF AGENCY TASK FORCE; MEMBERSHIP.—Except as provided in subsection (e), not later than 60 days after the date of enactment of this Act, the head of each agency shall appoint and may remove members to the regulatory reform task force of the agency, which shall be composed of the following members:

(i) The agency RRO.

(ii) A senior agency official from each relevant component or office of the agency with significant authority for issuing or repealing regulatory actions.

(iii) Additional senior agency officials involved in the development of rulemaking or other regulatory action at the agency, as determined by the head of the agency.

(B) CHAIR.—Unless otherwise designated by the head of the agency, the agency RRO shall chair the Task Force of the agency.

(C) JOINT TASK FORCES.—

(i) IN GENERAL.—For the consideration of a joint rulemaking, the Director may form a joint regulatory reform task force composed of not less than 1 member from the Task Force of each relevant agency.

(ii) CONSULTATION.—Any joint regulatory reform task force formed under this paragraph shall consult with each relevant Task Force.

(D) DUTIES.—Each Task Force shall—

(i) conduct ongoing evaluations of regulations and other regulatory actions and make recommendations that are consistent with and that could be implemented in accordance with applicable law to the head of the agency regarding repeal, replacement, or modification of regulations and regulatory actions; and

(ii) to the extent practicable—

(I) not later than 5 years after the date of enactment of this Act, complete a review of each regulation issued by the agency;

(II) for each regulation or regulatory action reviewed and identified for repeal, replacement, or modification, estimate the cost savings of the repeal, replacement, or modification, as applicable; and

(III) identify regulations that are appropriate for repeal, replacement, or modification, and prioritize the evaluation of regulations that—

(aa) eliminate or have eliminated jobs or inhibit or have inhibited job creation;

(bb) are outdated, unnecessary, or ineffective;

(cc) impose costs that exceed benefits;

(dd) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

(ee) were issued or are maintained in a manner that is inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that section, including any rule that relies in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or

(ff) were made pursuant to or to implement statutes, Executive orders, or other Presidential directives that have been subsequently rescinded or substantially modified.

(3) CONSULTATION WITH STAKEHOLDERS.—In performing the tasks under this subsection, each agency RRO and Task Force—

(A) shall seek input and other assistance from the public and from entities significantly affected by regulations, including State, local, and Tribal governments, small businesses, consumers, non-governmental organizations, and trade associations; and

(B) may—

(i) incorporate specific suggestions from stakeholders in identifying the list of deregulatory actions to recommend to the head of the agency; and

(ii) accept or solicit input from the public in any manner, if—

(I) the process is transparent to the public and Congress;

(II) a list of each meeting, a list of each stakeholder that submitted a comment, and a copy of each written comment are made publicly available online; and

(III) the Task Force issues a public notice of any public meeting to solicit input not less than 7 days before the public meeting and makes detailed minutes of the meeting available online not less than 7 days after the date of the meeting.

(4) TRANSPARENT REGULATORY REFORM.—

(A) WEBSITE.—To the extent practicable, the head of each agency shall publish information about the Task Force of the agency and other regulatory reform initiatives on the website of the agency—

(i) which shall include—

(I) a list of the members of the Task Force of the agency;

(II) a copy of each report issued under this subsection; and

(III) a link to or copy of each notice of a meeting or solicitation of public comments issued by the Task Force of the agency; and

(ii) which may include—

(I) an online forum to receive comments from the public; and

(II) any other information about the Task Force or other regulatory reform initiatives at the agency.

(B) REPORT.—Not less frequently than twice per year, each agency RRO shall submit to the head of the agency a report on the activities performed under this section and any recommendations resulting from those activities, which shall be posted by the head of the agency on a publicly accessible website and shall include the following:

(i) A description of any improvement made toward implementation of regulatory reform initiatives and policies.

(ii) For each regulation or other regulatory action reviewed by the Task Force, a detailed description of the review.

(iii) An inventory of each regulation or regulatory action the Task Force recommends the agency consider for repeal, replacement, or modification.

(iv) A list of all activities conducted under paragraph (3), a summary of all comments received, and a hyperlink to copies of each public comment received.

(c) ACCOUNTABILITY.—

(1) INCORPORATION IN PERFORMANCE PLANS.—

(A) IN GENERAL.—Each agency listed in section 901(b)(1) of title 31, United States Code, shall incorporate in the annual performance plan of the agency required under section 1115(b) of title 31, United States Code, performance indicators that measure progress implementing this section.

(B) OMB GUIDANCE.—The Director shall issue, and update as necessary, guidance regarding the implementation of this paragraph.

(2) PERFORMANCE ASSESSMENT.—The head of each agency shall consider the progress implementing this section in assessing the performance of the Task Force of the agency and those individuals responsible for developing and issuing agency rules.

(d) REGULATORY PLANNING AND BUDGET.—

(1) UNIFIED AGENDA AND ANNUAL REGULATORY PLAN.—

(A) UNIFIED REGULATORY AGENDA.—During the months of April and October of each year, the Director shall publish a unified regulatory agenda, which shall include—

(i) regulatory and deregulatory actions under development or review at agencies;

(ii) a Federal regulatory plan of all significant regulatory actions and associated deregulatory actions that agencies reasonably expect to issue in proposed or final form in the current and following fiscal year; and

(iii) all information required to be included in the regulatory flexibility agenda under section 602 of title 5, United States Code.

(B) AGENCY SUBMISSIONS.—In accordance with guidance issued by the Director and not less than 60 days before each date of publication for the unified regulatory agenda under subparagraph (A), the head of each agency shall submit to the Director an agenda of all regulatory actions and deregulatory actions under development at the agency, including the following:

(i) For each regulatory action and deregulatory action:

(I) A regulation identifier number.

(II) A brief summary of the action.

(III) The legal authority for the action.

(IV) Any legal deadline for the action.

(V) The name and contact information for a knowledgeable agency official.

(VI) Any other information as required by the Director.

(ii) An annual regulatory plan, which shall include a list of each significant regulatory action the agency reasonably expects to issue in proposed or final form in the current and following fiscal year, including for each significant regulatory action:

(I) A summary, including the following:

(aa) A statement of the regulatory objectives.

(bb) The legal authority for the action.

(cc) A statement of the need for the action.

(dd) The agency's schedule for the action.

(II) The estimated cost.

(III) The estimated benefits.

(IV) Any deregulatory action identified to offset the estimated cost of such significant regulatory action and an explanation of how the agency will continue to achieve regulatory objectives if the deregulatory action is taken.

(V) A best approximation of the total cost or savings and any cost or savings associated with a deregulatory action.

(VI) An estimate of the economic effects, including any estimate of the net effect that such action will have on the number of jobs in the United States, that was considered in drafting the action, or, if such estimate is not available, a statement affirming that no information on the economic effects, including the effect on the number of jobs, of the action has been considered.

(iii) Information required under section 602 of title 5, United States Code.

(iv) Information required under any other law to be reported by agencies about significant regulatory actions, as determined by the Director.

(2) FEDERAL REGULATORY BUDGET.—

(A) ESTABLISHMENT.—In the April unified regulatory agenda described in paragraph (1), the Director—

(i) shall establish the annual Federal Regulatory Budget, which specifies the net amount of incremental regulatory costs allowed by the Federal Government and at each agency for the next fiscal year; and

(ii) may set the incremental regulatory cost allowance to allow an increase, prohibit an increase, or require a decrease of incremental regulatory costs.

(B) DEFAULT NET INCREMENTAL REGULATORY COST.—If the Director does not set a net amount of incremental regulatory costs allowed for an agency, the net incremental regulatory cost allowed shall be zero.

(C) BALANCE ROLLOVER OF INCREMENTAL REGULATORY COST ALLOWANCE.—

(i) IN GENERAL.—If an agency does not exhaust all of the incremental regulatory cost allowance for a fiscal year, the balance may be added to the incremental regulatory cost allowance for the subsequent fiscal year, without increasing the incremental regulatory costs allowed for the Federal Government for the subsequent fiscal year.

(ii) TOTAL CARRYOVER.—The Director shall identify the total carryover incremental regulatory cost allowance available to an agency in the Federal Regulatory Budget.

(3) SIGNIFICANT REGULATORY ACTION REQUIREMENTS.—Except as otherwise required by law, a significant regulatory action shall have no effect unless—

(A) the—

(i) head of the agency identifies not less than 2 deregulatory actions to offset the costs of the significant regulatory action, and to the extent feasible, issues those deregulatory actions before or on the same schedule as the significant regulatory action;

(ii) incremental costs of the significant regulatory action as offset by any deregulatory action issued before or on the same schedule as the significant regulatory action do not cause the agency to exceed or contribute to the agency exceeding the incremental regulatory cost allowance of the agency for that fiscal year; and

(iii) significant regulatory action was included on the most recent version or update of the published unified regulatory agenda; or

(B) the issuance of the significant regulatory action was approved in advance in writing by the Director and the written approval is publicly available online prior to the issuance of the significant regulatory action.

(4) GUIDANCE BY OMB.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall establish and issue guidance on how agencies should comply with the requirements of this subsection, which shall include the following:

(i) A process for standardizing the measurement and estimation of regulatory costs, including cost savings associated with deregulatory actions.

(ii) Standards for determining what qualifies as a deregulatory action.

(iii) Standards for determining the costs of existing regulatory actions that are considered for repeal, replacement, or modification.

(iv) A process for accounting for costs in different fiscal years.

(v) Methods to oversee the issuance of significant regulatory actions offset by cost savings achieved at different times or by different agencies.

(vi) Emergencies and other circumstances that may justify individual waivers of the requirements of this section.

(vii) Standards by which the Director will determine whether a regulatory action or a collection of regulatory actions qualifies as a significant regulatory action.

(B) UPDATES TO GUIDANCE.—The Director shall update the guidance issued pursuant to this subsection as necessary.

(e) WAIVER.—

(1) WAIVER AUTHORITY.—Upon the written request of the head of an agency, the Director may issue a written waiver of the requirements of subsection (b) if the Director determines that the agency generally issues very few or no rules.

(2) REVOCATION OF WAIVER.—The Director may revoke at any time a waiver issued under this subsection.

(3) PUBLIC AVAILABILITY OF WAIVERS.—The Director shall maintain a publicly available list of each agency that is operating under a waiver issued under this subsection.

(4) REQUIREMENT FOR WAIVER.—A waiver shall not be effective unless the written waiver and the written request of the agency are publicly available on the website of the Office of Management and Budget.

SA 5226. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. [_____]. GAO REPORT ON INFLATIONARY IMPACT TO MOUNTAIN WEST STATES.

(a) IN GENERAL.—The Comptroller General of the United States shall—

(1) conduct a review of any inflationary impact of this Act on taxpayers with an annual income of not more than $400,000 in applicable States for each of fiscal years 2022 through 2025; and

(2) not later than April 1, 2026—

(A) publish a report on such review; and

(B) submit such report to—

(i) the congressional delegation of each applicable State; and

(ii) the governor of each applicable State.

(b) DEFINITION OF APPLICABLE STATE.—For purposes of this section, the term ''applicable State'' means Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming.

SA 5227. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 718, strike lines 11 through 16, and insert ''oversight of the distribution and use of funds appropriated under this Act.''.

SA 5228. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle A of title V, add the following:

SEC. 50112. PERMITTED AND APPROVED ENERGY PROJECTS.

Notwithstanding any other provision of this Act, no funds provided under this Act or an amendment made by this Act shall be used to block, delay, or restrict an energy project that is permitted and approved as of the date of enactment of this Act.

SA 5229. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50263.

SA 5230. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50262.

SA 5231. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50261.

SA 5232. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle ____—Additional Provisions

SEC. _____1. EXCLUSION FOR INCOME RECEIVED UNDER SEXUAL ABUSE AWARDS.

(a) IN GENERAL.—Section 104(a)(2) of the Internal Revenue Code of 1986 is amended by inserting ''or on account of sexual abuse'' after ''physical sickness''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2022.

SEC. _____2. EXCLUSION FROM FEDERAL INCOME TAXATION RESTITUTION AND CIVIL DAMAGES AWARDED UNDER SECTIONS 1593 AND 1595 OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986, as amended by section 9501(b)(4) of the American Rescue Plan Act of 2021 (Public Law 117–2), is amended by inserting before section 140 the following new section:

''SEC. 139J. CERTAIN AMOUNT RECEIVED AS RESTITUTION OR CIVIL DAMAGES AS RECOMPENSE FOR TRAFFICKING IN PERSONS.

''Gross income shall not include any civil damages, restitution, or other monetary award (including compensatory or statutory damages and restitution imposed in a criminal matter) awarded—

''(1) pursuant to an order of restitution under section 1593 of title 18, United States Code, or

''(2) in an action under section 1595 of title 18, United States Code.''.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before the item relating to section 140 the following new item:

''Sec. 139J. Certain amount received as restitution or civil damages as recompense for trafficking in persons.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. _____3. MODIFICATIONS TO EDUCATOR EXPENSE DEDUCTION.

(a) IN GENERAL.—Section 62 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a)(2)(D)—

(A) in the heading, by adding ''AND OTHER INSTRUCTIONAL SCHOOL PERSONNEL'' at the end, and

(B) in clause (ii)—

(i) by striking ''(other than nonathletic supplies for courses of instruction in health or physical education)'', and

(ii) by striking ''in the classroom'' and inserting ''as part of instructional activity'', and

(2) in subsection (d)(1)(A), by inserting ''interscholastic sports administrator or coach,'' after ''counselor,''.

(b) EDUCATOR EXPENSE DEDUCTION TO INCLUDE EARLY CHILDHOOD EDUCATORS.—Section 62 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a)(2)(D), by striking ''ELEMENTARY AND SECONDARY'' in the heading and inserting ''EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY'';

(2) in subsection (d)(1)(A), by striking ''kindergarten through grade 12 teacher'' and inserting, ''early childhood or kindergarten through grade 12 teacher, educator''; and

(3) in subsection (d)(1)(B), by striking ''elementary education or secondary education'' and inserting ''early childhood education (through pre-kindergarten) or elementary or secondary education''.

(c) INCREASE IN DEDUCTION AMOUNT.—

(1) IN GENERAL.—Section 62(a)(2)(D) of the Internal Revenue Code of 1986 is amended by striking ''$250'' and inserting ''$500''.

(2) CONFORMING AMENDMENTS.—Section 62(d)(3) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''2015'' and inserting ''2023'',

(B) by striking ''$250'' and inserting ''$500'', and

(C) by striking ''calendar year 2014'' and inserting ''calendar year 2022''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred in taxable years beginning after December 31, 2022.

SEC. _____4. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' and inserting ''January 1, 2032'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2031''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5233. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Section 10301(a)(1)(A)(i)(II) is amended by inserting '', and provided further that a portion of such funds shall be used to create and implement a plan to eliminate racial, political, regional, and socioeconomic discrepancies in the audit rates not later than 90 days from the date of enactment of this Act'' before the period at the end.

SA 5234. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 370, strike line 6 and insert the following:

(G) and (H) of paragraph (1).

''(7) INFORMATION SUBMITTED BY QUALIFIED MANUFACTURERS.—For purposes of paragraph (3), the Secretary may not require the reports described in such paragraph to include any information that could only be provided by a manufacturer operating under a collective bargaining agreement.''.

SA 5235. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30001 of the amendment.

SA 5236. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DENIAL OF TAX BENEFITS FOR ORGANIZATIONS THAT PERFORM OR FINANCE ABORTIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(s) PROHIBITION ON PERFORMING OR FINANCING ABORTION.—

''(1) IN GENERAL.—Any organization exempt from taxation under subsection (a) shall not perform, provide facilities to perform, provide travel for the provision of, or finance abortions except where the life of the mother would be endangered.

''(2) EXCEPTION.—Paragraph (1) shall not apply to a hospital organization to which subsection (r) applies.

''(3) ABORTION.—For purposes of this subsection, the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device—

''(A) to intentionally kill the unborn child of a woman known to be pregnant, or

''(B) to intentionally terminate the pregnancy of a woman known to be pregnant, with an intention other than—

''(i) after viability, to produce a live birth and preserve the life and health of the child born alive, or

''(ii) to remove a dead unborn child.''.

(b) DENIAL OF ELIGIBILITY FOR CHARITABLE CONTRIBUTIONS.—

(1) INCOME TAX.—Subsection (c) of section 170 of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''For purposes of this section, such term does not include a contribution or gift to or for the use of any organization which does not meet the requirements of section 501(s).''.

(2) ESTATE TAX.—Section 2055 of such Code is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) DENIAL OF DEDUCTION FOR CONTRIBUTIONS TO ORGANIZATIONS WHICH PERFORM, PROVIDE FACILITIES TO PERFORM, PROVIDE TRAVEL FOR THE PROVISION OF, OR FINANCE ABORTIONS.—No deduction shall be allowed under this section for a transfer to or for the use of any organization which does not meet the requirements of section 501(s).''.

(3) GIFT TAX.—Section 2522 of such Code is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) DENIAL OF DEDUCTION FOR CONTRIBUTIONS TO ORGANIZATIONS WHICH PERFORM, PROVIDE FACILITIES TO PERFORM, PROVIDE TRAVEL FOR THE PROVISION OF, OR FINANCE ABORTIONS.—No deduction shall be allowed under this section for a gift to or for the use of any organization which does not meet the requirements of section 501(s).''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to abortions performed in taxable years beginning after the date of the enactment of this Act.

(2) ESTATE TAX.—The amendments made by subsection (b)(2) shall apply to estates of decedents dying, and transfers, after the date of the enactment of this act.

SA 5237. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60501.

SA 5238. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Beginning on page 692, strike line 1, and all that follows through page 693, line 4, and insert the following:

''(1) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(2) $17,000,000 for industry-related outreach and technical assistance, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(3) $17,000,000 for outreach and technical assistance to State, Tribal, and local governments, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(4) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

''(5) $18,000,000 to carry out this section to ensure that reductions in greenhouse gas emissions from domestic electricity generation and use are achieved through use of the authorities of this Act, including through the establishment of requirements under this Act, incorporating the assessment under paragraph (4) as a baseline.

SA 5239. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. PROTECTING THE RIGHT TO KEEP AND BEAR ARMS.

(a) LIMITATION ON DECLARATIONS BY PRESIDENT.—The President (or any designee thereof) shall not, for the purpose of confiscating firearms or ammunition magazines, or prohibiting or otherwise regulating the possession, manufacture, sale, or transfer of firearms or ammunition magazines, declare an emergency pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.) or an emergency or major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) FIREARMS POLICIES.—Section 706 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5207) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''; or'' and inserting a semicolon;

(B) in paragraph (4), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(5) prohibit the manufacturing, sale, or transfer of firearms; or

''(6) prohibit the manufacturing, sale, or transfer of ammunition.''; and

(2) in subsection (c), by adding at the end the following:

''(4) AWARD.—Any prevailing party in an action under this section shall be awarded not less than $5,000,000, adjusted for inflation.''.

SA 5240. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301, add the following:

(c) ADDITIONAL PERSONNEL FLEXIBILITY.—The Secretary of the Treasury (or the Secretary's delegate) shall use the funds made available under subsection (a)(1)(A), subject to such policies as the Secretary (or the Secretary's delegate) may establish, to ensure the effective administration of the Internal Revenue Code of 1986 by suspending the granting of official time to employees of the Internal Revenue Service during the periods during each of fiscal years 2022 through 2031—

(1) beginning on February 12 and ending on May 5; and

(2) beginning on September 1 and ending on November 1.

SA 5241. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Beginning on page 692, strike line 19 and all that follows through page 693, line 4, and insert the following:

domestic electricity generation and use; and

''(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031.

SA 5242. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 259, after line 20, insert the following:

''(iii) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' shall include any industry-recognized apprenticeship program under the Act of August 16, 1937 that meets the standards of subpart B of part 29 of title 29, Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

SA 5243. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle F—Other Matters

SEC. 60601. UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS.

The United Nations Sustainable Development Goals shall not be used in developing or administering any program funded or established by this title or the amendments made by this title.

SA 5244. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle E—Other Matters

SEC. 24001. UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS.

The United Nations Sustainable Development Goals shall not be used in developing or administering any program funded or established by this title or the amendments made by this title.

SA 5245. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S; which was ordered to lie on the table; as follows:

At the end of part 7 of subtitle A of title V of the amendment, add the following:

SEC. 50174. NUCLEAR WASTE MANAGEMENT AT HANFORD SITE.

Section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 2602 note) is amended—

(1) in subsection (d), by adding at the end the following paragraph:

''(3) The State of Washington.'';

(2) in subsection (e)(2), by striking ''the State of Washington, the State of Oregon'' and inserting ''the State of Oregon''; and

(3) by adding at the end the following subsection:

''(g) WASTE MANAGEMENT AT HANFORD SITE.—If the Secretary, in consultation with the Commission, classifies any residual radioactive waste in a tank at the Hanford Site, Richland, Washington, as other than high-level waste under this section, the Secretary—

''(1) may not remove such tank; and

''(2) shall treat such waste with grout or another immobilizing substance, as the Secretary determines appropriate.''.

SA 5246. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. SALE OF ADVERTISEMENTS BY UNITED STATES POSTAL SERVICE ON DELIVERY VEHICLES.

The United States Postal Service shall raise revenue by selling non-political advertisement space on delivery vehicles purchased using amounts appropriated under section 70002.

SA 5247. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 21001(a)(1)(B), strike clause (ii) and insert the following:

(ii) section 1240H(c)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(c)(2)) shall be applied by substituting ''$50,000,000'' for ''$25,000,000'';

SA 5248. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60501.

SA 5249. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 4 of subtitle D of title I, insert the following:

SEC. 1340__. COORDINATION OF ELECTRIC VEHICLE CREDITS WITH OTHER SUBSIDIES.

(a) IN GENERAL.—Section 30D(d)(3), as amended by this Act, is amended by adding at the end the following new sentence: ''Such term shall not include any person who has received a loan under section 136(d) of the Energy Independence and Security Act of 2007 or a grant under section 50143 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' for the taxable year in which the new clean vehicle is placed in service or any prior taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5250. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I.

SA 5251. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 60105, strike subsection (e) and insert the following:

(e) METHANE MONITORING.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(2) PROHIBITION.—Amounts made available under paragraph (1) may not be used to monitor emissions of methane from livestock.

SA 5252. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODIFICATION OF DEFINITION OF QUALIFIED HEALTH PLAN.

(a) IN GENERAL.—Section 36B(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting before the period at the end the following: ''or a plan that includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5253. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60506 and insert the following:

SEC. 60506. COMMERCIAL MOTOR VEHICLE PARKING CAPACITY.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, to the Secretary of Transportation for grants under section 1401 of MAP–21 (23 U.S.C. 137 note; Public Law 112–141), other than grants for projects under subsection (b)(2)(D) of that section.

SA 5254. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle __—Other Provisions

SEC. 1__001. PERMANENT EXTENSION OF DEPRECIATION RULES FOR PROPERTY ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Subsection (j) of section 168 of the Internal Revenue Code of 1986 is amended by striking paragraph (9).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2021.

SA 5255. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I, add the following:

SECTION _____. EXTENSION OF REFINED COAL PRODUCTION TAX CREDIT.

(a) IN GENERAL.—Section 45(e)(8) is amended—

(1) in subparagraph (A), by striking ''10-year period'' each place it appears and inserting ''14-year period'', and

(2) in subparagraph (D)(ii)(II), by striking ''10-year period'' and inserting ''14-year period''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to coal produced and sold after December 31, 2018.

SA 5256. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

PART __—EXTENSION OF LIMITATION ON STATE AND LOCAL TAX DEDUCTION

SEC. 10___01. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Paragraph (6) of section 164(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking '', and before January 1, 2026'', and

(2) by striking ''TAXABLE YEARS 2018 THROUGH 2025'' in the heading.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5257. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

PART __—OTHER PROVISIONS

SEC. 10___01. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Paragraph (6) of section 164(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking '', and before January 1, 2026'', and

(2) by striking ''TAXABLE YEARS 2018 THROUGH 2025'' in the heading.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__01. EXTENSION OF DEDUCTION FOR QUALIFIED BUSINESS INCOME.

(a) IN GENERAL.—Section 199A(i) of the Internal Revenue Code of 1986 is amended by striking ''2025'' and inserting ''2030''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5258. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

PART __—OTHER PROVISIONS

SEC. 10___01. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Paragraph (6) of section 164(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking '', and before January 1, 2026'', and

(2) by striking ''TAXABLE YEARS 2018 THROUGH 2025'' in the heading.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__02. ELIMINATION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT.

Section 10301(a)(1)(A)(i) of this Act is amended by striking subclause (II).

SA 5259. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301(a), add the following:

(4) REPORT ON DELINQUENT TAX DEBT OF FEDERAL EMPLOYEES.—Not later than April 15 of each year, the Commissioner of Internal Revenue shall submit to Congress report detailing the number of Federal employees delinquent on Federal taxes and the total amount owed, along with a breakdown of that information by agency, department, and branch of the Federal government.

SA 5260. Ms. ERNST submitted an amendment intended to be proposed by her to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 3 of subtitle A of title I, add the following:

SEC. _____. DELINQUENT TAX COLLECTION.

This Commissioner of Internal Revenue, in consultation with Director of the Office of Management and Budget, shall establish a repayment plan for the purpose of improving compliance by Federal employees with tax obligations. Such plan shall provide for garnishing the wages of Federal employees with delinquent tax debts until paid in full.

SA 5261. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle A of title I, add the following:

SEC. 10002. APPLICATION OF EXPENSING AND RESEARCH TAX INCENTIVES TO CORPORATE MINIMUM TAX.

(a) IN GENERAL.—Section 56A(c), as added by section 10001, is amended by adding at the end the following new paragraph:

''(14) TREATMENT OF CERTAIN EXPENSING AND AMORTIZATION EXPENDITURES.—Adjusted financial statement income shall be appropriately adjusted to only take into account amounts equivalent to deductions that would be allowable under section 168(k) and 174.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5262. Mr. WARNOCK (for himself, Ms. BALDWIN, and Mr. OSSOFF) submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

At the appropriate place, insert the following:

Subtitle ____—Addressing the Medicaid Coverage Gap

SEC. _____. ENSURING AFFORDABILITY OF COVERAGE FOR CERTAIN LOW-INCOME POPULATIONS.

(a) REDUCING COST SHARING UNDER QUALIFIED HEALTH PLANS.—Section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting ''(or, with respect to plan years 2024 and 2025, whose household income does not exceed 400 percent of the poverty line for a family of the size involved)'' before the period; and

(B) in the matter following paragraph (2), by adding at the end the following new sentence: ''In the case of an individual who is determined at any point to have a household income for 2022 or 2023 that does not exceed 138 percent of the poverty line for a family of the size involved, such individual shall, for each month during the year for which such determination is made, be treated as having a household income equal to 100 percent of the poverty line for purposes of applying this section.''; and

(2) in subsection (c)—

(A) in paragraph (1)(A), in the matter preceding clause (i), by inserting '', with respect to eligible insureds (other than, with respect to plan years 2024 and 2025, specified enrollees (as defined in paragraph (6)(C))),'' after ''first be achieved'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''with respect to eligible insureds (other than, with respect to plan years 2024 and 2025, specified enrollees)'' after ''under the plan'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''this subsection'' and inserting ''paragraph (1) or (2)''; and

(ii) in subparagraph (B), by striking ''this section'' and inserting ''paragraphs (1) and (2)''; and

(D) by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR SPECIFIED ENROLLEES.—

''(A) IN GENERAL.—The Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall reduce cost-sharing under the plan with respect to months occurring during plan years 2024 and 2025 for enrollees who are specified enrollees (as defined in subparagraph (C)) in a manner sufficient to increase the plan's share of the total allowed costs of

benefits provided under the plan to 99 percent of such costs.

''(B) METHODS FOR REDUCING COST SHARING.—

''(i) IN GENERAL.—An issuer of a qualified health plan making reductions under this paragraph shall notify the Secretary of such reductions and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to 12 percent of the total allowed costs of benefits provided under each such plan to specified enrollees during plan years 2024 and 2025.

''(ii) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under clause (i).

''(C) SPECIFIED ENROLLEE DEFINED.—For purposes of this section, the term 'specified enrollee' means, with respect to a plan year, an eligible insured who is determined at any point to have a household income for such plan year that does not exceed 138 percent of the poverty line for a family of the size involved. Such insured shall be deemed to be a specified enrollee for each month in such plan year.''.

(b) OPEN ENROLLMENTS APPLICABLE TO CERTAIN LOWER-INCOME POPULATIONS.—Section 1311(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (C), by striking at the end ''and'';

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) with respect to a qualified health plan with respect to which section 1402 applies, for months occurring during the period beginning on January 1, 2023, and ending on December 31, 2025, enrollment periods described in subparagraph (A) of paragraph (8) for individuals described in subparagraph (B) of such paragraph.''; and

(2) by adding at the end the following new paragraph:

''(8) SPECIAL ENROLLMENT PERIOD FOR CERTAIN LOW-INCOME POPULATIONS.—

''(A) IN GENERAL.—The enrollment period described in this paragraph is, in the case of an individual described in subparagraph (B), the continuous period beginning on the first day that such individual is so described.

''(B) INDIVIDUAL DESCRIBED.—For purposes of subparagraph (A), an individual described in this subparagraph is an individual—

''(i) with a household income that does not exceed 138 percent of the poverty line for a family of the size involved; and

''(ii) who is not eligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986), other than for coverage described in any of subparagraphs (B) through (E) of paragraph (1) of such section.''.

(c) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEAR 2025.—Section 1301(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18021(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C)(iv), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) provides, with respect to a plan offered in the silver level of coverage to which section 1402 applies during plan year 2025, for benefits described in paragraph (5) in the case of an individual who has a household income that does not exceed 138 percent of the poverty line for a family of the size involved, and who is eligible to receive cost-sharing reductions under section 1402.''; and

(2) by adding at the end the following new paragraph:

''(5) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEAR 2025.—

''(A) IN GENERAL.—

''(i) BENEFITS.—For purposes of paragraph (1)(D), the benefits described in this paragraph to be provided by a qualified health plan are benefits consisting of—

''(I) non-emergency medical transportation services (as described in section 1902(a)(4) of the Social Security Act) for which Federal payments would have been available under title XIX of the Social Security Act had such services been furnished to an individual enrolled under a State plan (or waiver of such plan) under such title; and

''(II) services described in subsection (a)(4)(C) of section 1905 of such Act for which Federal payments would have been so available;

which are not otherwise provided under such plan as part of the essential health benefits package described in section 1302(a).

''(ii) CONDITION ON PROVISION OF BENEFITS.—Benefits described in this paragraph shall be provided—

''(I) without any restriction on the choice of a qualified provider from whom an individual may receive such benefits; and

''(II) without any imposition of cost sharing.

''(B) PAYMENTS FOR ADDITIONAL BENEFITS.—

''(i) IN GENERAL.—An issuer of a qualified health plan making payments for services described in subparagraph (A) furnished to individuals described in paragraph (1)(D) during plan year 2025 shall notify the Secretary of such payments and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to payments for such services so furnished.

''(ii) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under clause (i).''.

(d) EDUCATION AND OUTREACH ACTIVITIES.—

(1) IN GENERAL.—Section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)) is amended by adding at the end the following new paragraph:

''(3) OUTREACH AND EDUCATIONAL ACTIVITIES.—

''(A) IN GENERAL.—In the case of an Exchange established or operated by the Secretary within a State pursuant to this subsection, the Secretary shall carry out outreach and educational activities for purposes of informing individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act who reside in States that have not expended amounts under a State plan (or waiver of such plan) under title XIX of such Act for all such individuals about qualified health plans offered through the Exchange, including by informing such individuals of the availability of coverage under such plans and financial assistance for coverage under such plans. Such outreach and educational activities shall be provided in a manner that is culturally and linguistically appropriate to the needs of the populations being served by the Exchange (including hard-to-reach populations, such as racial and sexual minorities, limited English proficient populations, individuals residing in areas where the unemployment rates exceeds the national average unemployment rate, individuals in rural areas, veterans, and young adults).

''(B) LIMITATION ON USE OF FUNDS.—No funds appropriated under this paragraph shall be used for expenditures for promoting non-ACA compliant health insurance coverage.

''(C) NON-ACA COMPLIANT HEALTH INSURANCE COVERAGE.—For purposes of subparagraph (B):

''(i) The term 'non-ACA compliant health insurance coverage' means health insurance coverage, or a group health plan, that is not a qualified health plan.

''(ii) Such term includes the following:

''(I) An association health plan.

''(II) Short-term limited duration insurance.

''(D) FUNDING.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, $105,000,000 for fiscal year 2022 to carry out this paragraph, of which—

''(i) $15,000,000 shall be used to carry out this paragraph in fiscal year 2022; and

''(ii) $30,000,000 shall be used to carry out this paragraph for each of fiscal years 2023 through 2025.''.

(2) NAVIGATOR PROGRAM.—Section 1311(i)(6) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(i)(6)) is amended—

(A) by striking ''FUNDING.—Grants under'' and inserting ''FUNDING.—

''(A) STATE EXCHANGES.—Grants under''; and

(B) by adding at the end the following new subparagraph:

''(B) FEDERAL EXCHANGES.—For purposes of carrying out this subsection, with respect to an Exchange established and operated by the Secretary within a State pursuant to section 1321(c), the Secretary shall obligate not less than $10,000,000 out of amounts collected through the user fees on participating health insurance issuers pursuant to section 156.50 of title 45, Code of Federal Regulations (or any successor regulations) for fiscal year 2022, and not less than $20,000,000 for each of fiscal years 2023, 2024, and 2025. Such amount so obligated for a fiscal year shall remain available until expended.''.

(e) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $65,000,000, to remain available until expended, for purposes of carrying out the provisions of, and the amendments made by, this section.

SEC. _____. TEMPORARY EXPANSION OF HEALTH INSURANCE PREMIUM TAX CREDITS FOR CERTAIN LOW-INCOME POPULATIONS.

(a) IN GENERAL.—Section 36B is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) CERTAIN TEMPORARY RULES BEGINNING IN 2022.—With respect to any taxable year beginning after December 31, 2021, and before January 1, 2026—

''(1) ELIGIBILITY FOR CREDIT NOT LIMITED BASED ON INCOME.—Section 36B(c)(1)(A) shall be disregarded in determining whether a taxpayer is an applicable taxpayer.

''(2) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED EMPLOYER-PROVIDED COVERAGE.—Subclause (II) of subsection (c)(2)(C)(i) shall not apply if the taxpayer's household income does not exceed 138 percent of the poverty line for a family of the size involved. Subclause (II) of subsection (c)(2)(C)(i) shall also not apply to an individual described in the last sentence of such subsection if the taxpayer's household income does not exceed 138 percent of the poverty line for a family of the size involved.

''(3) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED QUALIFIED SMALL

EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—A qualified small employer health reimbursement arrangement shall not be treated as constituting affordable coverage for an employee (or any spouse or dependent of such employee) for any months of a taxable year if the employee's household income for such taxable year does not exceed 138 percent of the poverty line for a family of the size involved.

''(4) LIMITATIONS ON RECAPTURE.—

''(A) IN GENERAL.—In the case of a taxpayer whose household income is less than 200 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subsection (f)(2)(A) shall in no event exceed $300 (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year).

''(B) LIMITATION ON INCREASE FOR CERTAIN NON-FILERS.—In the case of any taxpayer who would not be required to file a return of tax for the taxable year but for any requirement to reconcile advance credit payments under subsection (f), if an Exchange established under title I of the Patient Protection and Affordable Care Act has determined that—

''(i) such taxpayer is eligible for advance payments under section 1412 of such Act for any portion of such taxable year, and

''(ii) such taxpayer's household income for such taxable year is projected to not exceed 138 percent of the poverty line for a family of the size involved,

subsection (f)(2)(A) shall not apply to such taxpayer for such taxable year and such taxpayer shall not be required to file such return of tax.

''(C) INFORMATION PROVIDED BY EXCHANGE.—The information required to be provided by an Exchange to the Secretary and to the taxpayer under subsection (f)(3) shall include such information as is necessary to determine whether such Exchange has made the determinations described in clauses (i) and (ii) of subparagraph (B) with respect to such taxpayer.''.

(b) EMPLOYER SHARED RESPONSIBILITY PROVISION NOT APPLICABLE WITH RESPECT TO CERTAIN LOW-INCOME TAXPAYERS RECEIVING PREMIUM ASSISTANCE.—Section 4980H(c)(3) is amended to read as follows:

''(3) APPLICABLE PREMIUM TAX CREDIT AND COST-SHARING REDUCTION.—

''(A) IN GENERAL.—The term 'applicable premium tax credit and cost-sharing reduction' means—

''(i) any premium tax credit allowed under section 36B,

''(ii) any cost-sharing reduction under section 1402 of the Patient Protection and Affordable Care Act, and

''(iii) any advance payment of such credit or reduction under section 1412 of such Act.

''(B) EXCEPTION WITH RESPECT TO CERTAIN LOW-INCOME TAXPAYERS.—Such term shall not include any premium tax credit, cost-sharing reduction, or advance payment otherwise described in subparagraph (A) if such credit, reduction, or payment is allowed or paid for a taxable year of an employee (beginning after December 31, 2021, and before January 1, 2026) with respect to which—

''(i) an Exchange established under title I of the Patient Protection and Affordable Care Act has determined that such employee's household income for such taxable year is projected to not exceed 138 percent of the poverty line for a family of the size involved, or

''(ii) such employee's household income for such taxable year does not exceed 138 percent of the poverty line for a family of the size involved.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. _____. FURTHER INCREASE IN FMAP FOR MEDICAL ASSISTANCE FOR NEWLY ELIGIBLE MANDATORY INDIVIDUALS.

Section 1905(y)(1) of the Social Security Act (42 U.S.C. 1396d(y)(1)) is amended—

(1) in subparagraph (D), by striking at the end ''and'';

(2) in subparagraph (E), by striking ''2020 and each year thereafter.'' and inserting ''2020, 2021, and 2022; and''; and

(3) by adding at the end the following new subparagraphs:

''(F) 93 percent for calendar quarters in 2023, 2024, and 2025; and

''(G) 90 percent for calendar quarters in 2026 and each year thereafter.''.

SA 5263. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I.

SA 5264. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle A of title I, add the following:

SEC. 1010__. CERTAIN MANUFACTURERS EXEMPTED FROM CORPORATE MINIMUM TAX.

(a) IN GENERAL.—Section 59(k)(1), as added by section 10101, is amended by adding at the end the following new subparagraph:

''(F) EXCEPTION FOR DOMESTIC MANUFACTURERS.—The term 'applicable corporation' shall not include any domestic manufacturer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5265. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026___. CONDITION ON AUCTION OF CRUDE OIL FROM THE STRATEGIC PETROLEUM RESERVE.

(a) DEFINITIONS.—In this section:

(1) BIDDER.—The term ''bidder'' means an individual or entity bidding or intending to bid at an auction of crude oil from the Strategic Petroleum Reserve.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) STRATEGIC PETROLEUM RESERVE.—The term ''Strategic Petroleum Reserve'' means the Strategic Petroleum Reserve established under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.).

(b) BIDDING REQUIREMENTS ON EXPORT OF SPR CRUDE OIL TO CERTAIN COUNTRIES.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), and subject to paragraph (2), with respect to the drawdown and sale at auction of any crude oil from the Strategic Petroleum Reserve after the date of enactment of this Act, the Secretary shall require, as a condition of any such sale, that in the case of a bid submitted by a bidder that intends to export the crude oil to the People's Republic of China, the bid will not be considered by the Secretary to be a valid bid unless the bidder has submitted a bid 10 times higher than the next highest bid received.

(2) WAIVER.—

(A) IN GENERAL.—On application by a bidder, the Secretary may waive, prior to the date of the applicable auction, the condition described in paragraph (1) with respect to the sale of crude oil to that bidder at that auction.

(B) REQUIREMENT.—The Secretary may issue a waiver under subparagraph (A) only if the Secretary determines that the waiver is in the interest of the national security of the United States.

(C) APPLICATIONS.—A bidder desiring a waiver under subparagraph (A) shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

SA 5266. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50261 (relating to the offshore oil and gas royalty rate) and 50262 (relating to Mineral Leasing Act modernization).

SA 5267. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title V and insert the following:

PART 3—REHABILITATION OF PUBLIC LAND AFFECTED BY NATURAL DISASTERS

SEC. 50131. NATURAL DISASTER RECOVERY FUNDS.

(a) DEPARTMENT OF THE INTERIOR.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available through September 30, 2029, to rehabilitate public lands that recently experienced a natural disaster through the rebuilding of infrastructure, habitat and stream restoration, and gateway community assistance.

(b) FOREST SERVICE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture, acting through the Chief of the Forest Service, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2029, to rehabilitate National Forest System land west of the 100th meridian that recently experienced a natural disaster through the rebuilding of infrastructure, habitat and stream restoration, and gateway community assistance.

SA 5268. Mr. DAINES (for himself, Mr. MARSHALL, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle A of title V, add the following:

SEC. 5011__. CONDITION ON AVAILABILITY OF FUNDS.

None of the funds made available to the Secretary under this subtitle may be used until the Secretary submits to Congress the report required under section 40434 of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1049) detailing the job losses and the impact on consumer energy costs resulting from the revocation of the permit for the Keystone XL pipeline.

SA 5269. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50261 through 50263.

SA 5270. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 38, strike line 5 and all that follows through ''(III)'' on line 16 and insert the following:

(I) TAXPAYER SERVICES.—For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $48,818,900,000, to remain available until September 30, 2031: *Provided*, That these amounts shall be in addition to amounts otherwise available for such purposes.

SA 5271. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 20____. RESCISSION OF WAIVER ON WORK REQUIREMENTS.

(a) IN GENERAL.—Section 2301 of the Families First Coronavirus Response Act (7 U.S.C. 2011 note; Public Law 116–127) is repealed.

(b) EFFECT.—A State agency (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) carrying out the supplemental nutrition assistance program established under that Act shall disregard, for purposes of determining eligibility to participate in that program in accordance with section 6(o)(2) of that Act (7 U.S.C. 2015(o)(2)), any period during which an individual received benefits under that program prior to the date of enactment of this Act.

SA 5272. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 39, line 10, strike the period and insert '', and provided further that a portion of such funds shall be used to create and implement a plan to eliminate racial, political, regional, and socioeconomic discrepancies in the audit rates not later than 90 days from the date of enactment of this Act.''.

SA 5273. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60103 and all that follows through section 60201 and insert the following:

SEC. 60103. DIESEL EMISSIONS REDUCTIONS.

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

SEC. 60104. FUNDING TO ADDRESS AIR POLLUTION.

(a) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(b) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(1) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(2) to replace, repair, operate, and maintain existing monitors.

(c) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(d) EMISSIONS FROM WOOD HEATERS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(e) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(f) CLEAN AIR ACT GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(g) OTHER ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $45,000,000, to remain available until September 30, 2031, to carry out, with respect to greenhouse gases, sections 111, 115, 165, 177, 202, 211, 213, and 231 of the Clean Air Act (42 U.S.C. 7411, 7415, 7475, 7507, 7521, 7545, 7547, and 7571).

(h) GREENHOUSE GAS AND ZERO-EMISSION STANDARDS FOR MOBILE SOURCES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources pursuant to section 177 of the Clean Air Act (42 U.S.C. 7507).

(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60105. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce greenhouse gas emissions and other air pollutants at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain

available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60106. LOW EMISSIONS ELECTRICITY PROGRAM.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60102 of this Act, the following:

''SEC. 134. LOW EMISSIONS ELECTRICITY PROGRAM.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

''(1) $17,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(2) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(3) $17,000,000 for industry-related outreach, technical assistance, and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(4) $17,000,000 for outreach and technical assistance to, and partnerships with, State, Tribal, and local governments with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

''(6) $18,000,000 to ensure that reductions in greenhouse gas emissions are achieved through use of the existing authorities of this Act, incorporating the assessment under paragraph (5).

''(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

''(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60107. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis, and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60108. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60109. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60110. GREENHOUSE GAS CORPORATE REPORTING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60111. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, enhanced standardization and transparency, and reporting criteria for environmental product declarations that include measurements of the embodied greenhouse gas emissions of the material or product associated with all relevant stages of production, use, and disposal, and conform with international standards, for construction materials and products by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

(2) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60112. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60106 of this Act, the following:

''SEC. 135. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations;

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) permanently shutting in and plugging wells on non-Federal land;

''(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(F) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, prepare inventories, gather empirical data, and track emissions.

''(b) INCENTIVES FOR METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

''(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

''(d) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing.

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2024;

''(B) $1,200 for emissions reported for calendar year 2025; or

''(C) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

''(f) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

''(A) 0.20 percent of the natural gas sent to sale from such facility; or

''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from or through such facility.

''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from or through such facility.

''(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).

''(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.

''(6) EXEMPTION FOR REGULATORY COMPLIANCE.—

''(A) IN GENERAL.—Charges shall not be imposed pursuant to subsection (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—

''(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and

''(ii) compliance with the requirements described in clause (i) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled 'Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review' (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.

''(B) RESUMPTION OF CHARGE.—If the conditions in clause (i) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (i) or (ii) of that subparagraph are no longer met.

''(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with all applicable closure requirements, as determined by the Administrator.

''(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

''(h) REPORTING.—Not later than 2 years after the date of enactment of this section, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations, to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

''(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60113. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60112 of this Act, the following:

"SEC. 136. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

''(a) APPROPRIATIONS.—

''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, to provide technical assistance to eligible entities, to develop a plan that could be used as a model by grantees in developing a plan under subsection (b), and to model the effects of plans described in this section.

''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding the degree to which greenhouse gas air pollution is projected to be reduced in total and with respect to low-income and disadvantaged communities.

''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an air pollution control agency;

''(C) a municipality;

''(D) an Indian tribe; and

''(E) a group of one or more entities listed in subparagraphs (A) through (D).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60114. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60115. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal, as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, based on—

(1) environmental product declarations; or

(2) determinations by State agencies, as verified by the Administrator of the Environmental Protection Agency.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

"SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.

''(d) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SA 5274. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 505, strike line 23 and all that follows through page 506, line 24, and insert the following:

''(ii) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The lifecycle greenhouse gas emissions of any transportation fuel shall be based on the most recent determinations under the Greenhouse gases, Regulated Emissions, and Energy use in Transportation model developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

SA 5275. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 390, strike lines 1 through 18 and insert the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(B) any vehicle with respect to which any of the components contained in the battery

of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).''.

SA 5276. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 390, strike lines 1 through 18 and insert the following:

''(7) EXCLUDED ENTITIES.—

''(A) IN GENERAL.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(i) any vehicle with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(ii) any vehicle with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).

''(B) REGULATIONS AND GUIDANCE.—With respect to the requirements established under subparagraph (A), the Secretary may not issue any regulations or other guidance which provides for exemptions from such requirements or otherwise weakens the implementation or enforcement of such requirements, including any exclusion of entities owned by, controlled by, or subject to the jurisdiction or direction of the Government of the People's Republic of China as foreign entities of concern (as so defined).''.

SA 5277. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENT TO FINALIZE RULE RELATING TO CONTRACTOR AND GRANTEE COMPLIANCE WITH TAX LAWS.

Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall finalize the rule to implement the requirement under section 520 of division B of the Consolidated Appropriations Act, 2022 (Public Law 117–103; 136 Stat. 148).

SA 5278. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RULES FOR INCREASED PREMIUM TAX CREDIT.

(a) IN GENERAL.—Section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(iv) SPECIAL RULES.—In the case of a taxable year to which clause (iii) applies, the Secretary may require an applicable taxpayer to provide any additional proof of income as the Secretary deems necessary to avoid fraud and abuse of this section.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5279. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 40001 and insert the following:

SEC. 40001. INVESTING IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,100,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats, resources, Pacific salmon, and other marine fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, marine fishery and marine mammal stock assessments, and for related administrative expenses.

(b) TRIBAL GOVERNMENT DEFINED.—In this section, the term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(c) IMPROVING COAST GUARD HOUSING, MEDICAL, AND CHILD CARE FACILITIES.—In addition to amounts otherwise available, there is appropriated to the Coast Guard for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2026, for the improvement of Coast Guard operations through the procurement, construction, improvement, or repair of Coast Guard housing, medical facilities, and child care facilities, including procurement, construction, improvement, or repair to improve the resilience of such facilities with respect to extreme storms and other changing climate conditions.

SA 5280. Mr. WICKER (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 40001 through 40007 and insert the following:

SEC. 40001. FUNDING TO CARRY OUT SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019.

In addition to amounts otherwise available, there is appropriated to the Federal Communications Commission, out of any money in the Treasury not otherwise appropriated, $3,080,000,000 for fiscal year 2022, to remain available until expended, to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.).

SA 5281. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S; as follows:

Strike sections 13104 through 50265 and insert the following:

SEC. 13104. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45U. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the zero-emission nuclear power production credit for any taxable year is an amount equal to the amount by which—

''(1) the product of—

''(A) 0.3 cents, multiplied by

''(B) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified nuclear power facility, and

''(ii) sold by the taxpayer to an unrelated person during the taxable year, exceeds

''(2) the reduction amount for such taxable year.

''(b) DEFINITIONS.—

''(1) QUALIFIED NUCLEAR POWER FACILITY.—For purposes of this section, the term 'qualified nuclear power facility' means any nuclear facility—

''(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity,

''(B) which is not an advanced nuclear power facility as defined in subsection (d)(1) of section 45J, and

''(C) which is placed in service before the date of the enactment of this section.

''(2) REDUCTION AMOUNT.—

''(A) IN GENERAL.—For purposes of this section, the term 'reduction amount' means, with respect to any qualified nuclear power facility for any taxable year, the amount equal to the lesser of—

''(i) the amount determined under subsection (a)(1), or

''(ii) the amount equal to 16 percent of the excess of—

''(I) subject to subparagraph (B), the gross receipts from any electricity produced by such facility (including any electricity services or products provided in conjunction with the electricity produced by such facility) and sold to an unrelated person during such taxable year, over

''(II) the amount equal to the product of—

''(aa) 2.5 cents, multiplied by

''(bb) the amount determined under subsection (a)(1)(B).

''(B) TREATMENT OF CERTAIN RECEIPTS.—

''(i) IN GENERAL.—Subject to clause (iii), the amount determined under subparagraph (A)(ii)(I) shall include any amount received by the taxpayer during the taxable year with respect to the qualified nuclear power facility from a zero-emission credit program. For purposes of determining the amount received during such taxable year, the taxpayer shall take into account any reductions required under such program.

''(ii) ZERO-EMISSION CREDIT PROGRAM.—For purposes of this subparagraph, the term 'zero-emission credit program' means any payments with respect to a qualified nuclear power facility as a result of any Federal, State or local government program for, in

whole or in part, the zero-emission, zero-carbon, or air quality attributes of any portion of the electricity produced by such facility.

''(iii) EXCLUSION.—For purposes of clause (i), any amount received by the taxpayer from a zero-emission credit program shall be excluded from the amount determined under subparagraph (A)(ii)(I) if the full amount of the credit calculated pursuant to subsection (a) (determined without regard to this subparagraph) is used to reduce payments from such zero-emission credit program.

''(3) ELECTRICITY.—For purposes of this section, the term 'electricity' means the energy produced by a qualified nuclear power facility from the conversion of nuclear fuel into electric power.

''(c) OTHER RULES.—

''(1) INFLATION ADJUSTMENT.—The 0.3 cent amount in subsection (a)(1)(A) and the 2.5 cent amount in subsection (b)(2)(A)(ii)(II)(aa) shall each be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), as applied by substituting 'calendar year 2023' for 'calendar year 1992' in subparagraph (B) thereof) for the calendar year in which the sale occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 2.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (3), (4), and (5) of section 45(e) shall apply for purposes of this section.

''(d) WAGE REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT FOR QUALIFIED NUCLEAR POWER FACILITIES.—In the case of any qualified nuclear power facility which satisfies the requirements of paragraph (2)(A), the amount of the credit determined under subsection (a) shall be equal to such amount (as determined without regard to this sentence) multiplied by 5.

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified nuclear power facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the alteration or repair of such facility shall be paid wages at rates not less than the prevailing rates for alteration or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2032.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended—

(A) in paragraph (32), by striking ''plus'' at the end,

(B) in paragraph (33), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(34) the zero-emission nuclear power production credit determined under section 45U(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45U. Zero-emission nuclear power production credit.''.

(c) EFFECTIVE DATE.—This section shall apply to electricity produced and sold after December 31, 2023, in taxable years beginning after such date.

PART 2—CLEAN FUELS

SEC. 13201. EXTENSION OF INCENTIVES FOR BIODIESEL, RENEWABLE DIESEL AND ALTERNATIVE FUELS.

(a) BIODIESEL AND RENEWABLE DIESEL CREDIT.—Section 40A(g) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(b) BIODIESEL MIXTURE CREDIT.—

(1) IN GENERAL.—Section 6426(c)(6) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(2) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427(e)(6)(B) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(c) ALTERNATIVE FUEL CREDIT.—Section 6426(d)(5) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(d) ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426(e)(3) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(e) PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2021.

(g) SPECIAL RULE.—In the case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2022, and ending with the close of the last calendar quarter beginning before the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SEC. 13202. EXTENSION OF SECOND GENERATION BIOFUEL INCENTIVES.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking ''2022'' and inserting ''2025''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified second generation biofuel production after December 31, 2021.

SEC. 13203. SUSTAINABLE AVIATION FUEL CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 40A the following new section:

''SEC. 40B. SUSTAINABLE AVIATION FUEL CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the sustainable aviation fuel credit determined under this section for the taxable year is, with respect to any sale or use of a qualified mixture which occurs during such taxable year, an amount equal to the product of—

''(1) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(2) the sum of—

''(A) $1.25, plus

''(B) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(b) APPLICABLE SUPPLEMENTARY AMOUNT.—For purposes of this section, the term 'applicable supplementary amount' means, with respect to any sustainable aviation fuel, an amount equal to $0.01 for each percentage point by which the lifecycle greenhouse gas emissions reduction percentage with respect to such fuel exceeds 50 percent. In no event shall the applicable supplementary amount determined under this subsection exceed $0.50.

''(c) QUALIFIED MIXTURE.—For purposes of this section, the term 'qualified mixture' means a mixture of sustainable aviation fuel and kerosene if—

''(1) such mixture is produced by the taxpayer in the United States,

''(2) such mixture is used by the taxpayer (or sold by the taxpayer for use) in an aircraft,

''(3) such sale or use is in the ordinary course of a trade or business of the taxpayer, and

''(4) the transfer of such mixture to the fuel tank of such aircraft occurs in the United States.

''(d) SUSTAINABLE AVIATION FUEL.—

''(1) IN GENERAL.—For purposes of this section, the term 'sustainable aviation fuel' means liquid fuel, the portion of which is not kerosene, which—

''(A) meets the requirements of—

''(i) ASTM International Standard D7566, or

''(ii) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1,

''(B) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass,

''(C) is not derived from palm fatty acid distillates or petroleum, and

''(D) has been certified in accordance with subsection (e) as having a lifecycle greenhouse gas emissions reduction percentage of at least 50 percent.

''(2) DEFINITIONS.—In this subsection—

''(A) APPLICABLE MATERIAL.—The term 'applicable material' means—

''(i) monoglycerides, diglycerides, and triglycerides,

''(ii) free fatty acids, and

''(iii) fatty acid esters.

''(B) BIOMASS.—The term 'biomass' has the same meaning given such term in section 45K(c)(3).

''(e) LIFECYCLE GREENHOUSE GAS EMISSIONS REDUCTION PERCENTAGE.—For purposes of this section, the term 'lifecycle greenhouse gas emissions reduction percentage' means, with respect to any sustainable aviation fuel, the percentage reduction in lifecycle greenhouse gas emissions achieved by such fuel as compared with petroleum-based jet fuel, as defined in accordance with—

''(1) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(2) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

''(f) REGISTRATION OF SUSTAINABLE AVIATION FUEL PRODUCERS.—No credit shall be allowed under this section with respect to any sustainable aviation fuel unless the producer or importer of such fuel—

''(1) is registered with the Secretary under section 4101, and

''(2) provides—

''(A) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

''(i) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation described in paragraph (1) of subsection (e), or

''(ii) in the case of any methodology established under paragraph (2) of such subsection, requirements similar to the requirements described in clause (i), and

''(B) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section.

''(g) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any sustainable aviation fuel shall, under rules prescribed by the Secretary, be properly reduced to take into account any benefit provided with respect to such sustainable aviation fuel solely by reason of the application of section 6426 or 6427(e).

''(h) TERMINATION.—This section shall not apply to any sale or use after December 31, 2024.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.— Section 38(b), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', plus'', and by inserting after paragraph (34) the following new paragraph:

''(35) the sustainable aviation fuel credit determined under section 40B.''.

(c) COORDINATION WITH BIODIESEL INCENTIVES.—

(1) IN GENERAL.—Section 40A(d)(1) is amended by inserting ''or 40B'' after ''determined under section 40''.

(2) CONFORMING AMENDMENT.—Section 40A(f) is amended by striking paragraph (4).

(d) SUSTAINABLE AVIATION FUEL ADDED TO CREDIT FOR ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL MIXTURES.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(k) SUSTAINABLE AVIATION FUEL CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the sustainable aviation fuel credit for the taxable year is, with respect to any sale or use of a qualified mixture, an amount equal to the product of—

''(A) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(B) the sum of—

''(i) $1.25, plus

''(ii) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(2) DEFINITIONS.—Any term used in this subsection which is also used in section 40B shall have the meaning given such term by section 40B.

''(3) REGISTRATION REQUIREMENT.—For purposes of this subsection, rules similar to the rules of section 40B(f) shall apply.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 6426 is amended—

(i) in subsection (a)(1), by striking ''and (e)'' and inserting ''(e), and (k)'', and

(ii) in subsection (h), by striking ''under section 40 or 40A'' and inserting ''under section 40, 40A, or 40B''.

(B) Section 6427(e) is amended—

(i) in the heading, by striking ''OR ALTERNATIVE FUEL'' and inserting, ''ALTERNATIVE FUEL, OR SUSTAINABLE AVIATION FUEL'',

(ii) in paragraph (1), by inserting ''or the sustainable aviation fuel mixture credit'' after ''alternative fuel mixture credit'', and

(iii) in paragraph (6)—

(I) in subparagraph (C), by striking ''and'' at the end,

(II) in subparagraph (D), by striking the period at the end and inserting '', and'', and

(III) by adding at the end the following new subparagraph:

''(E) any qualified mixture of sustainable aviation fuel (as defined in section 6426(k)(3)) sold or used after December 31, 2024.''.

(C) Section 4101(a)(1) is amended by inserting ''every person producing or importing sustainable aviation fuel (as defined in section 40B),'' before ''and every person producing second generation biofuel''.

(D) The table of sections for subpart D of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 40B. Sustainable aviation fuel credit.''.

(e) AMOUNT OF CREDIT INCLUDED IN GROSS INCOME.—Section 87 is amended by striking ''and'' in paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the sustainable aviation fuel credit determined with respect to the taxpayer for the taxable year under section 40B(a).''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2022.

SEC. 13204. CLEAN HYDROGEN.

(a) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45V. CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the clean hydrogen production credit for any taxable year is an amount equal to the product of—

''(1) the kilograms of qualified clean hydrogen produced by the taxpayer during such taxable year at a qualified clean hydrogen production facility during the 10-year period beginning on the date such facility was originally placed in service, multiplied by

''(2) the applicable amount (as determined under subsection (b)) with respect to such hydrogen.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)(2), the applicable amount shall be an amount equal to the applicable percentage of $0.60. If any amount as determined under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

''(A) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) not greater than 4 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 2.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 20 percent.

''(B) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 2.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 1.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 25 percent.

''(C) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 1.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 0.45 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 33.4 percent.

''(D) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of less than 0.45 kilograms of CO2e per kilogram of hydrogen, the applicable percentage shall be 100 percent.

''(3) INFLATION ADJUSTMENT.—The $0.60 amount in paragraph (1) shall be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), determined by substituting '2022' for '1992' in subparagraph (B) thereof) for the calendar year in which the qualified clean hydrogen is produced. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(c) DEFINITIONS.—For purposes of this section—

''(1) LIFECYCLE GREENHOUSE GAS EMISSIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'lifecycle greenhouse gas emissions' has the same meaning given such term under subparagraph (H) of section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of enactment of this section.

''(B) GREET MODEL.—The term 'lifecycle greenhouse gas emissions' shall only include emissions through the point of production (well-to-gate), as determined under the most recent Greenhouse gases, Regulated Emissions, and Energy use in Transportation model (commonly referred to as the 'GREET model') developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(2) QUALIFIED CLEAN HYDROGEN.—

''(A) IN GENERAL.—The term 'qualified clean hydrogen' means hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of not greater than 4 kilograms of CO2e per kilogram of hydrogen.

''(B) ADDITIONAL REQUIREMENTS.—Such term shall not include any hydrogen unless—

''(i) such hydrogen is produced—

''(I) in the United States (as defined in section 638(1)) or a possession of the United States (as defined in section 638(2)),

''(II) in the ordinary course of a trade or business of the taxpayer, and

''(III) for sale or use, and

''(ii) the production and sale or use of such hydrogen is verified by an unrelated party.

''(C) PROVISIONAL EMISSIONS RATE.—In the case of any hydrogen for which a lifecycle greenhouse gas emissions rate has not been determined for purposes of this section, a taxpayer producing such hydrogen may file a petition with the Secretary for determination of the lifecycle greenhouse gas emissions rate with respect to such hydrogen.

''(3) QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—The term 'qualified clean hydrogen production facility' means a facility—

''(A) owned by the taxpayer,

''(B) which produces qualified clean hydrogen, and

''(C) the construction of which begins before January 1, 2033.

''(d) SPECIAL RULES.—

''(1) TREATMENT OF FACILITIES OWNED BY MORE THAN 1 TAXPAYER.—Rules similar to the rules section 45(e)(3) shall apply for purposes of this section.

''(2) COORDINATION WITH CREDIT FOR CARBON OXIDE SEQUESTRATION.—No credit shall be allowed under this section with respect to any qualified clean hydrogen produced at a facility which includes carbon capture equipment for which a credit is allowed to any taxpayer under section 45Q for the taxable year or any prior taxable year.

''(e) INCREASED CREDIT AMOUNT FOR QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITIES.—

''(1) IN GENERAL.—In the case of any qualified clean hydrogen production facility which satisfies the requirements of paragraph (2), the amount of the credit determined under subsection (a) with respect to qualified clean hydrogen described in subsection (b)(2) shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(2) REQUIREMENTS.—A facility meets the requirements of this paragraph if it is one of the following:

''(A) A facility—

''(i) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and

''(ii) which meets the requirements of paragraph (3)(A) with respect to alteration or repair of such facility which occurs after such date.

''(B) A facility which satisfies the requirements of paragraphs (3)(A) and (4).

''(3) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified clean hydrogen production facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in—

''(i) the construction of such facility, and

''(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2), the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (1) for a taxable year, the requirement under clause (ii) of this subparagraph is applied to such taxable year in which the alteration or repair of qualified facility occurs.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(f) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations or other guidance to carry out the purposes of this section, including regulations or other guidance for determining lifecycle greenhouse gas emissions.''.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45V(d), as added by this section, is amended by adding at the end the following new paragraph:

''(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(3) MODIFICATION OF EXISTING FACILITIES.—Section 45V(d), as added and amended by the preceding provisions of this section, is amended by adding at the end the following new paragraph:

''(4) MODIFICATION OF EXISTING FACILITIES.—For purposes of subsection (a)(1), in the case of any facility which—

''(A) was originally placed in service before January 1, 2023, and, prior to the modification described in subparagraph (B), did not produce qualified clean hydrogen, and

''(B) after the date such facility was originally placed in service—

''(i) is modified to produce qualified clean hydrogen, and

''(ii) amounts paid or incurred with respect to such modification are properly chargeable to capital account of the taxpayer,

such facility shall be deemed to have been originally placed in service as of the date that the property required to complete the modification described in subparagraph (B) is placed in service.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(i) in paragraph (34), by striking ''plus'' at the end,

(ii) in paragraph (35), by striking the period at the end and inserting '', plus'', and

(iii) by adding at the end the following new paragraph:

''(36) the clean hydrogen production credit determined under section 45V(a).''.

(B) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45V. Credit for production of clean hydrogen.''.

(5) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by paragraphs (1) and (4) of this subsection shall apply to hydrogen produced after December 31, 2022.

(B) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amendment made by paragraph (2) shall apply to facilities the construction of which begins after the date of enactment of this Act.

(C) MODIFICATION OF EXISTING FACILITIES.—The amendment made by paragraph (3) shall apply to modifications made after December 31, 2022.

(b) CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES ALLOWED IF ELECTRICITY IS USED TO PRODUCE CLEAN HYDROGEN.—

(1) IN GENERAL.—Section 45(e), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(13) SPECIAL RULE FOR ELECTRICITY USED AT A QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—Electricity produced by the taxpayer shall be treated as sold by such taxpayer to an unrelated person during the taxable year if—

''(A) such electricity is used during such taxable year by the taxpayer or a person related to the taxpayer at a qualified clean hydrogen production facility (as defined in section 45V(c)(3)) to produce qualified clean hydrogen (as defined in section 45V(c)(2)), and

''(B) such use and production is verified (in such form or manner as the Secretary may prescribe) by an unrelated third party.''.

(2) SIMILAR RULE FOR ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.—Subsection (c)(2) of section 45U, as added by section 13105 of this Act, is amended by striking ''and (5)'' and inserting ''(5), and (13)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to electricity produced after December 31, 2022.

(c) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

(1) IN GENERAL.—Section 48(a), as amended by the preceding provisions of this Act, is amended—

(A) by redesignating paragraph (15) as paragraph (16), and

(B) by inserting after paragraph (14) the following new paragraph:

''(15) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified property (as defined in paragraph (5)(D)) which is part of a specified clean hydrogen production facility—

''(i) such property shall be treated as energy property for purposes of this section, and

''(ii) the energy percentage with respect to such property is—

''(I) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (A) of section 45V(b)(2), 1.2 percent,

''(II) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (B) of such section, 1.5 percent,

''(III) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (C) of such section, 2 percent, and

''(IV) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in subparagraph (D) of such section, 6 percent.

''(B) DENIAL OF PRODUCTION CREDIT.—No credit shall be allowed under section 45V or section 45Q for any taxable year with respect to any specified clean hydrogen production facility or any carbon capture equipment included at such facility.

''(C) SPECIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—For purposes of this paragraph, the term 'specified clean hydrogen production facility' means any qualified clean hydrogen production facility (as defined in section 45V(c)(3))—

''(i) which is placed in service after December 31, 2022,

''(ii) with respect to which—

''(I) no credit has been allowed under section 45V or 45Q, and

''(II) the taxpayer makes an irrevocable election to have this paragraph apply, and

''(iii) for which an unrelated third party has verified (in such form or manner as the Secretary may prescribe) that such facility produces hydrogen through a process which results in lifecycle greenhouse gas emissions which are consistent with the hydrogen that such facility was designed and expected to produce under subparagraph (A)(ii).

''(D) QUALIFIED CLEAN HYDROGEN.—For purposes of this paragraph, the term 'qualified clean hydrogen' has the meaning given such term by section 45V(c)(2).

''(E) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this section, including regulations or other guidance which recaptures so much of any credit allowed under this section as exceeds the amount of the credit which would have been allowed if the expected production were consistent with the actual verified production (or all of the credit so allowed in the absence of such verification).''.

(2) CONFORMING AMENDMENT.—Paragraph (9)(A)(i) of section 48(a), as added by section 13102, is amended by inserting ''and paragraph (15)'' after ''paragraphs (1) through (8)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2022, and, for any property the construction of which begins prior to January 1, 2023, only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 2022.

(d) TERMINATION OF EXCISE TAX CREDIT FOR HYDROGEN.—

(1) IN GENERAL.—Section 6426(d)(2) is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(2) CONFORMING AMENDMENT.—Section 6426(e)(2) is amended by striking ''(F)'' and inserting ''(E)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2022.

PART 3—CLEAN ENERGY AND EFFICIENCY INCENTIVES FOR INDIVIDUALS

SEC. 13301. EXTENSION, INCREASE, AND MODIFICATIONS OF NONBUSINESS ENERGY PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(g)(2) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) ALLOWANCE OF CREDIT.—Section 25C(a) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.''.

(c) APPLICATION OF ANNUAL LIMITATION IN LIEU OF LIFETIME LIMITATION.—Section 25C(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed $1,200.

''(2) ENERGY PROPERTY.—The credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not exceed, with respect to any item of qualified energy property, $600.

''(3) WINDOWS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed, in the aggregate with respect to all exterior windows and skylights, $600.

''(4) DOORS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed—

''(A) $250 in the case of any exterior door, and

''(B) $500 in the aggregate with respect to all exterior doors.

''(5) HEAT PUMP AND HEAT PUMP WATER HEATERS; BIOMASS STOVES AND BOILERS.—Notwithstanding paragraphs (1) and (2), the credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not, in the aggregate, exceed $2,000 with respect to amounts paid or incurred for property described in clauses (i) and (ii) of subsection (d)(2)(A) and in subsection (d)(2)(B).''.

(d) MODIFICATIONS RELATED TO QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) STANDARDS FOR ENERGY EFFICIENT BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(2) is amended by striking ''meets—'' and all that follows through the period at the end and inserting the following: ''meets—

''(A) in the case of an exterior window or skylight, Energy Star most efficient certification requirements,

''(B) in the case of an exterior door, applicable Energy Star requirements, and

''(C) in the case of any other component, the prescriptive criteria for such component established by the most recent International Energy Conservation Code standard in effect as of the beginning of the calendar year which is 2 years prior to the calendar year in which such component is placed in service.''.

(2) ROOFS NOT TREATED AS BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(3) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(3) AIR SEALING INSULATION ADDED TO DEFINITION OF BUILDING ENVELOPE COMPONENT.—Section 25C(c)(3)(A) is amended by inserting '', including air sealing material or system,'' after ''material or system''.

(e) MODIFICATION OF RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—Section 25C(d) is amended to read as follows:

''(d) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property which is—

''(A) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) originally placed in service by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(2) QUALIFIED ENERGY PROPERTY.—The term 'qualified energy property' means any of the following:

''(A) Any of the following which meet or exceed the highest efficiency tier (not including any advanced tier) established by the Consortium for Energy Efficiency which is in effect as of the beginning of the calendar year in which the property is placed in service:

''(i) An electric or natural gas heat pump water heater.

''(ii) An electric or natural gas heat pump.

''(iii) A central air conditioner.

''(iv) A natural gas, propane, or oil water heater.

''(v) A natural gas, propane, or oil furnace or hot water boiler.

''(B) A biomass stove or boiler which—

''(i) uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

''(ii) has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

''(C) Any oil furnace or hot water boiler which—

''(i) is placed in service after December 31, 2022, and before January 1, 2027, and—

''(I) meets or exceeds 2021 Energy Star efficiency criteria, and

''(II) is rated by the manufacturer for use with fuel blends at least 20 percent of the volume of which consists of an eligible fuel, or

''(ii) is placed in service after December 31, 2026, and—

''(I) achieves an annual fuel utilization efficiency rate of not less than 90, and

''(II) is rated by the manufacturer for use with fuel blends at least 50 percent of the volume of which consists of an eligible fuel.

''(D) Any improvement to, or replacement of, a panelboard, sub-panelboard, branch circuits, or feeders which—

''(i) is installed in a manner consistent with the National Electric Code,

''(ii) has a load capacity of not less than 200 amps,

''(iii) is installed in conjunction with—

''(I) any qualified energy efficiency improvements, or

''(II) any qualified energy property described in subparagraphs (A) through (C) for which a credit is allowed under this section for expenditures with respect to such property, and

''(iv) enables the installation and use of any property described in subclause (I) or (II) of clause (iii).

''(3) ELIGIBLE FUEL.—For purposes of paragraph (2), the term 'eligible fuel' means—

''(A) biodiesel and renewable diesel (within the meaning of section 40A), and

''(B) second generation biofuel (within the meaning of section 40).''.

(f) HOME ENERGY AUDITS.—

(1) IN GENERAL.—Section 25C(a), as amended by subsection (b), is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the amount paid or incurred by the taxpayer during the taxable year for home energy audits.''.

(2) LIMITATION.—Section 25C(b), as amended by subsection (c), is amended adding at the end the following new paragraph:

''(6) HOME ENERGY AUDITS.—

''(A) DOLLAR LIMITATION.—The amount of the credit allowed under this section by reason of subsection (a)(3) shall not exceed $150.

''(B) SUBSTANTIATION REQUIREMENT.—No credit shall be allowed under this section by reason of subsection (a)(3) unless the taxpayer includes with the taxpayer's return of tax such information or documentation as the Secretary may require.''.

(3) HOME ENERGY AUDITS.—

(A) IN GENERAL.—Section 25C is amended by redesignating subsections (e), (f), and (g), as subsections (f), (g), and (h), respectively, and by inserting after subsection (d) the following new subsection:

''(e) HOME ENERGY AUDITS.—For purposes of this section, the term 'home energy audit' means an inspection and written report with respect to a dwelling unit located in the United States and owned or used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121) which—

''(1) identifies the most significant and cost-effective energy efficiency improvements with respect to such dwelling unit, including an estimate of the energy and cost savings with respect to each such improvement, and

''(2) is conducted and prepared by a home energy auditor that meets the certification

or other requirements specified by the Secretary in regulations or other guidance (as prescribed by the Secretary not later than 365 days after the date of the enactment of this subsection).''.

(B) CONFORMING AMENDMENT.—Section 1016(a)(33) is amended by striking ''section 25C(f)'' and inserting ''section 25C(g)''.

(4) LACK OF SUBSTANTIATION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2) is amended—

(A) in subparagraph (P), by striking ''and'' at the end,

(B) in subparagraph (Q), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (Q) the following:

''(R) an omission of information or documentation required under section 25C(b)(6)(B) (relating to home energy audits) to be included on a return.''.

(g) IDENTIFICATION NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 25C, as amended by this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) PRODUCT IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) with respect to any item of specified property placed in service after December 31, 2024, unless—

''(A) such item is produced by a qualified manufacturer, and

''(B) the taxpayer includes the qualified product identification number of such item on the return of tax for the taxable year.

''(2) QUALIFIED PRODUCT IDENTIFICATION NUMBER.—For purposes of this section, the term 'qualified product identification number' means, with respect to any item of specified property, the product identification number assigned to such item by the qualified manufacturer pursuant to the methodology referred to in paragraph (3).

''(3) QUALIFIED MANUFACTURER.—For purposes of this section, the term 'qualified manufacturer' means any manufacturer of specified property which enters into an agreement with the Secretary which provides that such manufacturer will—

''(A) assign a product identification number to each item of specified property produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric) is unique to each such item (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide),

''(B) label such item with such number in such manner as the Secretary may provide, and

''(C) make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) of the product identification numbers so assigned and including such information as the Secretary may require with respect to the item of specified property to which such number was so assigned.

''(4) SPECIFIED PROPERTY.—For purposes of this subsection, the term 'specified property' means any qualified energy property and any property described in subparagraph (B) or (C) of subsection (c)(3).''.

(2) OMISSION OF CORRECT PRODUCT IDENTIFICATION NUMBER TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (Q), by striking ''and'' at the end,

(B) in subparagraph (R), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (R) the following:

''(S) an omission of a correct product identification number required under section 25C(h) (relating to credit for nonbusiness energy property) to be included on a return.''.

(h) ENERGY EFFICIENT HOME IMPROVEMENT CREDIT.—

(1) IN GENERAL.—The heading for section 25C is amended by striking ''**NONBUSINESS ENERGY PROPERTY**'' and inserting ''**ENERGY EFFICIENT HOME IMPROVEMENT CREDIT**''.

(2) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25C and inserting after the item relating to section 25B the following item:

''Sec. 25C. Energy efficient home improvement credit.''.

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

(3) IDENTIFICATION NUMBER REQUIREMENT.—The amendments made by subsection (g) shall apply to property placed in service after December 31, 2024.

SEC. 13302. RESIDENTIAL CLEAN ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) IN GENERAL.—Section 25D(h) is amended by striking ''December 31, 2023'' and inserting ''December 31, 2034''.

(2) APPLICATION OF PHASEOUT.—Section 25D(g) is amended—

(A) in paragraph (2), by striking ''before January 1, 2023, 26 percent, and'' and inserting ''before January 1, 2022, 26 percent,'', and

(B) by striking paragraph (3) and by inserting after paragraph (2) the following new paragraphs:

''(3) in the case of property placed in service after December 31, 2021, and before January 1, 2033, 30 percent,

''(4) in the case of property placed in service after December 31, 2032, and before January 1, 2034, 26 percent, and

''(5) in the case of property placed in service after December 31, 2033, and before January 1, 2035, 22 percent.''.

(b) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY; CERTAIN EXPENDITURES DISALLOWED.—

(1) ALLOWANCE OF CREDIT.—Paragraph (6) of section 25D(a) is amended to read as follows:

''(6) the qualified battery storage technology expenditures,''.

(2) DEFINITION OF QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—Paragraph (6) of section 25D(d) is amended to read as follows:

''(6) QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—The term 'qualified battery storage technology expenditure' means an expenditure for battery storage technology which—

''(A) is installed in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) has a capacity of not less than 3 kilowatt hours.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 25D(d)(3) is amended by inserting '', without regard to subparagraph (D) thereof'' after ''section 48(c)(1)''.

(2) The heading for section 25D is amended by striking ''**ENERGY EFFICIENT PROPERTY**'' and inserting ''**CLEAN ENERGY CREDIT**''.

(3) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25D and inserting the following:

''Sec. 25D. Residential clean energy credit.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to expenditures made after December 31, 2021.

(2) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY; CERTAIN EXPENDITURES DISALLOWED.—The amendments made by subsection (b) shall apply to expenditures made after December 31, 2022.

SEC. 13303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—

(1) MAXIMUM AMOUNT OF DEDUCTION.—Subsection (b) of section 179D is amended to read as follows:

''(b) MAXIMUM AMOUNT OF DEDUCTION.—

''(1) IN GENERAL.—The deduction under subsection (a) with respect to any building for any taxable year shall not exceed the excess (if any) of—

''(A) the product of—

''(i) the applicable dollar value, and

''(ii) the square footage of the building, over

''(B) the aggregate amount of the deductions under subsections (a) and (f) with respect to the building for the 3 taxable years immediately preceding such taxable year (or, in the case of any such deduction allowable to a person other than the taxpayer, for any taxable year ending during the 4-taxable-year period ending with such taxable year).

''(2) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (1)(A)(i), the applicable dollar value shall be an amount equal to $0.50 increased (but not above $1.00) by $0.02 for each percentage point by which the total annual energy and power costs for the building are certified to be reduced by a percentage greater than 25 percent.

''(3) INCREASED DEDUCTION AMOUNT FOR CERTAIN PROPERTY.—

''(A) IN GENERAL.—In the case of any property which satisfies the requirements of subparagraph (B), paragraph (2) shall be applied by substituting '$2.50' for '$0.50', '$.10' for '$.02', and '$5.00' for '$1.00'.

''(B) PROPERTY REQUIREMENTS.—In the case of any energy efficient commercial building property, energy efficient building retrofit property, or property installed pursuant to a qualified retrofit plan, such property shall meet the requirements of this subparagraph if —

''(i) installation of such property begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (4)(A) and (5), or

''(ii) installation of such property satisfies the requirements of paragraphs (4)(A) and (5).

''(4) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any property are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the installation of any property shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such property is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(5) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(6) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry

out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(2) MODIFICATION OF EFFICIENCY STANDARD.—Section 179D(c)(1)(D) is amended by striking ''50 percent'' and inserting ''25 percent''.

(3) REFERENCE STANDARD.—Section 179D(c)(2) is amended by striking ''the most recent'' and inserting the following: ''the more recent of—

''(A) Standard 90.1-2007 published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America, or

''(B) the most recent''.

(4) FINAL DETERMINATION; EXTENSION OF PERIOD; PLACED IN SERVICE DEADLINE.—Subparagraph (B) of section 179D(c)(2), as amended by paragraph (3), is amended—

(A) by inserting ''for which the Department of Energy has issued a final determination and'' before ''which has been affirmed'',

(B) by striking ''2 years'' and inserting ''4 years'', and

(C) by striking ''that construction of such property begins'' and inserting ''such property is placed in service''.

(5) ELIMINATION OF PARTIAL ALLOWANCE.—

(A) IN GENERAL.—Section 179D(d) is amended—

(i) by striking paragraph (1), and

(ii) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(B) CONFORMING AMENDMENTS.—

(i) Section 179D(c)(1)(D) is amended—

(I) by striking ''subsection (d)(6)'' and inserting ''subsection (d)(5)'', and

(II) by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

(ii) Paragraph (2)(A) of section 179D(d), as redesignated by subparagraph (A), is amended by striking ''paragraph (2)'' and inserting ''paragraph (1)''.

(iii) Paragraph (4) of section 179D(d), as redesignated by subparagraph (A), is amended by striking ''paragraph (3)(B)(iii)'' and inserting ''paragraph (2)(B)(iii)''.

(iv) Section 179D is amended by striking subsection (f).

(v) Section 179D(h) is amended by striking ''or (d)(1)(A)''.

(6) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Paragraph (3) of section 179D(d), as redesignated by paragraph (5)(A), is amended to read as follows:

''(3) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—

''(A) IN GENERAL.—In the case of energy efficient commercial building property installed on or in property owned by a specified tax-exempt entity, the Secretary shall promulgate regulations or guidance to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the owner of such property. Such person shall be treated as the taxpayer for purposes of this section.

''(B) SPECIFIED TAX-EXEMPT ENTITY.—For purposes of this paragraph, the term 'specified tax-exempt entity' means—

''(i) the United States, any State or political subdivision thereof, any possession of the United States, or any agency or instrumentality of any of the foregoing,

''(ii) an Indian tribal government (as defined in section 30D(g)(9)) or Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), and

''(iii) any organization exempt from tax imposed by this chapter.''.

(7) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—Section 179D, as amended by the preceding provisions of this section, is amended by inserting after subsection (e) the following new subsection:

''(f) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—

''(1) IN GENERAL.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary may provide) the application of this subsection with respect to any qualified building, there shall be allowed as a deduction for the taxable year which includes the date of the qualifying final certification with respect to the qualified retrofit plan of such building, an amount equal to the lesser of—

''(A) the excess described in subsection (b) (determined by substituting 'energy use intensity' for 'total annual energy and power costs' in paragraph (2) thereof), or

''(B) the aggregate adjusted basis (determined after taking into account all adjustments with respect to such taxable year other than the reduction under subsection (e)) of energy efficient building retrofit property placed in service by the taxpayer pursuant to such qualified retrofit plan.

''(2) QUALIFIED RETROFIT PLAN.—For purposes of this subsection, the term 'qualified retrofit plan' means a written plan prepared by a qualified professional which specifies modifications to a building which, in the aggregate, are expected to reduce such building's energy use intensity by 25 percent or more in comparison to the baseline energy use intensity of such building. Such plan shall provide for a qualified professional to—

''(A) as of any date during the 1-year period ending on the date on which the property installed pursuant to such plan is placed in service, certify the energy use intensity of such building as of such date,

''(B) certify the status of property installed pursuant to such plan as meeting the requirements of subparagraphs (B) and (C) of paragraph (3), and

''(C) as of any date that is more than 1 year after the date on which the property installed pursuant to such plan is placed in service, certify the energy use intensity of such building as of such date.

''(3) ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—For purposes of this subsection, the term 'energy efficient building retrofit property' means property—

''(A) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(B) which is installed on or in any qualified building,

''(C) which is installed as part of—

''(i) the interior lighting systems,

''(ii) the heating, cooling, ventilation, and hot water systems, or

''(iii) the building envelope, and

''(D) which is certified in accordance with paragraph (2)(B) as meeting the requirements of subparagraphs (B) and (C).

''(4) QUALIFIED BUILDING.—For purposes of this subsection, the term 'qualified building' means any building which—

''(A) is located in the United States, and

''(B) was originally placed in service not less than 5 years before the establishment of the qualified retrofit plan with respect to such building.

''(5) QUALIFYING FINAL CERTIFICATION.—For purposes of this subsection, the term 'qualifying final certification' means, with respect to any qualified retrofit plan, the certification described in paragraph (2)(C) if the energy use intensity certified in such certification is not more than 75 percent of the baseline energy use intensity of the building.

''(6) BASELINE ENERGY USE INTENSITY.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'baseline energy use intensity' means the energy use intensity certified under paragraph (2)(A), as adjusted to take into account weather.

''(B) DETERMINATION OF ADJUSTMENT.—For purposes of subparagraph (A), the adjustments described in such subparagraph shall be determined in such manner as the Secretary may provide.

''(7) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) ENERGY USE INTENSITY.—The term 'energy use intensity' means the annualized, measured site energy use intensity determined in accordance with such regulations or other guidance as the Secretary may provide and measured in British thermal units.

''(B) QUALIFIED PROFESSIONAL.—The term 'qualified professional' means an individual who is a licensed architect or a licensed engineer and meets such other requirements as the Secretary may provide.

''(8) COORDINATION WITH DEDUCTION OTHERWISE ALLOWED UNDER SUBSECTION (a).—

''(A) IN GENERAL.—In the case of any building with respect to which an election is made under paragraph (1), the term 'energy efficient commercial building property' shall not include any energy efficient building retrofit property with respect to which a deduction is allowable under this subsection.

''(B) CERTAIN RULES NOT APPLICABLE.—

''(i) IN GENERAL.—Except as provided in clause (ii), subsection (d) shall not apply for purposes of this subsection.

''(ii) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Rules similar to subsection (d)(3) shall apply for purposes of this subsection.''.

(8) INFLATION ADJUSTMENT.—Section 179D(g) is amended—

(A) by striking ''2020'' and inserting ''2022'',

(B) by striking ''or subsection (d)(1)(A)'', and

(C) by striking ''2019'' and inserting ''2021''.

(b) APPLICATION TO REAL ESTATE INVESTMENT TRUST EARNINGS AND PROFITS.—Section 312(k)(3)(B) is amended—

(1) by striking ''For purposes of computing the earnings and profits of a corporation'' and inserting the following:

''(i) IN GENERAL.—For purposes of computing the earnings and profits of a corporation, except as provided in clause (ii)'', and

(2) by adding at the end the following new clause:

''(ii) SPECIAL RULE.—In the case of a corporation that is a real estate investment trust, any amount deductible under section 179D shall be allowed in the year in which the property giving rise to such deduction is placed in service (or, in the case of energy efficient building retrofit property, the year in which the qualifying final certification is made).''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 179D(d), as redesignated by subsection (a)(5)(A), is amended by striking ''not later than the date that is 2 years before the date that construction of such property begins'' and inserting ''not later than the date that is 4 years before the date such property is placed in service''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(2) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—Subsection (f) of section 179D of the Internal Revenue Code of 1986 (as amended by this section), and any other provision of such section solely for purposes of applying such subsection, shall apply to property placed in service after December 31, 2022 (in taxable

years ending after such date) if such property is placed in service pursuant to qualified retrofit plan (within the meaning of such section) established after such date.

SEC. 13304. EXTENSION, INCREASE, AND MODIFICATIONS OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION OF CREDIT.—Section 45L(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) INCREASE IN CREDIT AMOUNTS.—Paragraph (2) of section 45L(a) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to—

''(A) in the case of a dwelling unit which is eligible to participate in the Energy Star Residential New Construction Program or the Energy Star Manufactured New Homes program—

''(i) which meets the requirements of subsection (c)(1)(A) (and which does not meet the requirements of subsection (c)(1)(B)), $2,500, and

''(ii) which meets the requirements of subsection (c)(1)(B), $5,000, and

''(B) in the case of a dwelling unit which is part of a building eligible to participate in the Energy Star Multifamily New Construction Program—

''(i) which meets the requirements of subsection (c)(1)(A) (and which does not meet the requirements of subsection (c)(1)(B)), $500, and

''(ii) which meets the requirements of subsection (c)(1)(B), $1,000.''.

(c) MODIFICATION OF ENERGY SAVING REQUIREMENTS.—Section 45L(c) is amended to read as follows:

''(c) ENERGY SAVING REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—A dwelling unit meets the requirements of this subparagraph if such dwelling unit meets the requirements of paragraph (2) or (3) (whichever is applicable).

''(B) ZERO ENERGY READY HOME PROGRAM.—A dwelling unit meets the requirements of this subparagraph if such dwelling unit is certified as a zero energy ready home under the zero energy ready home program of the Department of Energy as in effect on January 1, 2023 (or any successor program determined by the Secretary).

''(2) SINGLE-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

''(A) such dwelling unit meets—

''(i)(I) in the case of a dwelling unit acquired before January 1, 2025, the Energy Star Single-Family New Homes National Program Requirements 3.1, or

''(II) in the case of a dwelling unit acquired after December 31, 2024, the Energy Star Single-Family New Homes National Program Requirements 3.2, and

''(ii) the most recent Energy Star Single-Family New Homes Program Requirements applicable to the location of such dwelling unit (as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date the dwelling unit was acquired), or

''(B) such dwelling unit meets the most recent Energy Star Manufactured Home National program requirements as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date such dwelling unit is acquired.

''(3) MULTI-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

''(A) such dwelling unit meets the most recent Energy Star Multifamily New Construction National Program Requirements (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later), and

''(B) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later).''.

(d) PREVAILING WAGE REQUIREMENT.—Section 45L is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) PREVAILING WAGE REQUIREMENT.—

''(1) IN GENERAL.—In the case of a qualifying residence described in subsection (a)(2)(B) meeting the prevailing wage requirements of paragraph (2)(A), the credit amount allowed with respect to such residence shall be—

''(A) $2,500 in the case of a residence which meets the requirements of subparagraph (A) of subsection (c)(1) (and which does not meet the requirements of subparagraph (B) of such subsection), and

''(B) $5,000 in the case of a residence which meets the requirements of subsection (c)(1)(B).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified residence are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of such residence shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such residence is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(e) BASIS ADJUSTMENT.—Section 45L(e) is amended by inserting after the first sentence the following: ''This subsection shall not apply for purposes of determining the adjusted basis of any building under section 42.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to dwelling units acquired after December 31, 2022.

(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to dwelling units acquired after December 31, 2021.

PART 4—CLEAN VEHICLES

SEC. 13401. CLEAN VEHICLE CREDIT.

(a) PER VEHICLE DOLLAR LIMITATION.—Section 30D(b) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) CRITICAL MINERALS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(1)(A) is satisfied, the amount determined under this paragraph is $3,750.

''(3) BATTERY COMPONENTS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(2)(A) is satisfied, the amount determined under this paragraph is $3,750.''.

(b) FINAL ASSEMBLY.—Section 30D(d) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking ''and'' at the end,

(B) in subparagraph (F)(ii), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(G) the final assembly of which occurs within North America.'',

(2) by adding at the end the following:

''(5) FINAL ASSEMBLY.—For purposes of paragraph (1)(G), the term 'final assembly' means the process by which a manufacturer produces a new clean vehicle at, or through the use of, a plant, factory, or other place from which the vehicle is delivered to a dealer or importer with all component parts necessary for the mechanical operation of the vehicle included with the vehicle, whether or not the component parts are permanently installed in or on the vehicle.''.

(c) DEFINITION OF NEW CLEAN VEHICLE.—

(1) IN GENERAL.—Section 30D(d), as amended by the preceding provisions of this section, is amended—

(A) in the heading, by striking ''QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR'' and inserting ''CLEAN'',

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''qualified plug-in electric drive motor'' and inserting ''clean'',

(ii) in subparagraph (C), by inserting ''qualified'' before ''manufacturer'',

(iii) in subparagraph (F)—

(I) in clause (i), by striking ''4'' and inserting ''7'', and

(II) in clause (ii), by striking ''and'' at the end,

(iv) in subparagraph (G), by striking the period at the end and inserting '', and'', and

(v) by adding at the end the following:

''(H) for which the person who sells any vehicle to the taxpayer furnishes a report to the taxpayer and to the Secretary, at such time and in such manner as the Secretary shall provide, containing—

''(i) the name and taxpayer identification number of the taxpayer,

''(ii) the vehicle identification number of the vehicle, unless, in accordance with any applicable rules promulgated by the Secretary of Transportation, the vehicle is not assigned such a number,

''(iii) the battery capacity of the vehicle,

''(iv) verification that original use of the vehicle commences with the taxpayer, and

''(v) the maximum credit under this section allowable to the taxpayer with respect to the vehicle.'',

(C) in paragraph (3)—

(i) in the heading, by striking ''MANUFACTURER'' and inserting ''QUALIFIED MANUFACTURER'',

(ii) by striking ''The term 'manufacturer' has the meaning given such term in'' and inserting ''The term 'qualified manufacturer' means any manufacturer (within the meaning of the'', and

(iii) by inserting '') which enters into a written agreement with the Secretary under which such manufacturer agrees to make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) providing vehicle identification numbers and such other information related to each vehicle manufactured by such manufacturer as the Secretary may require'' before the period at the end, and

(D) by adding at the end the following:

''(6) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this section, the term 'new clean vehicle' shall include any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)) which meets the requirements under subparagraphs (G) and (H) of paragraph (1).''.

(2) CONFORMING AMENDMENTS.—Section 30D is amended—

(A) in subsection (a), by striking ''new qualified plug-in electric drive motor vehicle'' and inserting ''new clean vehicle'', and

(B) in subsection (b)(1), by striking ''new qualified plug-in electric drive motor vehicle'' and inserting ''new clean vehicle''.

(d) ELIMINATION OF LIMITATION ON NUMBER OF VEHICLES ELIGIBLE FOR CREDIT.—Section 30D is amended by striking subsection (e).

(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—

(1) IN GENERAL.—Section 30D, as amended by the preceding provisions of this section, is amended by inserting after subsection (d) the following:

''(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—

''(1) CRITICAL MINERALS REQUIREMENT.—

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the applicable critical minerals (as defined in section 45X(c)(6)) contained in such battery that were—

''(i) extracted or processed—

''(I) in the United States, or

''(II) in any country with which the United States has a free trade agreement in effect, or

''(ii) recycled in North America,

is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 40 percent,

''(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent,

''(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent,

''(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent, and

''(v) in the case of a vehicle placed in service after December 31, 2026, 80 percent.

''(2) BATTERY COMPONENTS.—

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the components contained in such battery that were manufactured or assembled in North America is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 50 percent,

''(ii) in the case of a vehicle placed in service during calendar year 2024 or 2025, 60 percent,

''(iii) in the case of a vehicle placed in service during calendar year 2026, 70 percent,

''(iv) in the case of a vehicle placed in service during calendar year 2027, 80 percent,

''(v) in the case of a vehicle placed in service during calendar year 2028, 90 percent,

''(vi) in the case of a vehicle placed in service after December 31, 2028, 100 percent.

''(3) REGULATIONS AND GUIDANCE.—

''(A) IN GENERAL.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(B) DEADLINE FOR PROPOSED GUIDANCE.—Not later than December 31, 2022, the Secretary shall issue proposed guidance with respect to the requirements under this subsection.''.

(2) EXCLUDED ENTITIES.—Section 30D(d), as amended by the preceding provisions of this section, is amended by adding at the end the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(B) any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).''.

(f) SPECIAL RULES.—Section 30D(f) is amended by adding at the end the following:

''(8) ONE CREDIT PER VEHICLE.—In the case of any vehicle, the credit described in subsection (a) shall only be allowed once with respect to such vehicle, as determined based upon the vehicle identification number of such vehicle.

''(9) VIN REQUIREMENT.—No credit shall be allowed under this section with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(10) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

''(i) the lesser of—

''(I) the modified adjusted gross income of the taxpayer for such taxable year, or

''(II) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds

''(ii) the threshold amount.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A)(ii), the threshold amount shall be—

''(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $300,000,

''(ii) in the case of a head of household (as defined in section 2(b)), $225,000, and

''(iii) in the case of a taxpayer not described in clause (i) or (ii), $150,000.

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(11) MANUFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of the applicable limitation.

''(B) APPLICABLE LIMITATION.—For purposes of subparagraph (A), the applicable limitation for each vehicle classification is as follows:

''(i) VANS.—In the case of a van, $80,000.

''(ii) SPORT UTILITY VEHICLES.—In the case of a sport utility vehicle, $80,000.

''(iii) PICKUP TRUCKS.—In the case of a pickup truck, $80,000.

''(iv) OTHER.—In the case of any other vehicle, $55,000.

''(C) REGULATIONS AND GUIDANCE.—For purposes of this paragraph, the Secretary shall prescribe such regulations or other guidance as the Secretary determines necessary for determining vehicle classifications using criteria similar to that employed by the Environmental Protection Agency and the Department of the Energy to determine size and class of vehicles.''.

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 30D is amended by striking subsection (g) and inserting the following:

''(g) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary, if the taxpayer who acquires a new clean vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

''(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

''(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—

''(i) the manufacturer's suggested retail price,

''(ii) the value of the credit allowed and any other incentive available for the purchase of such vehicle, and

''(iii) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1),

''(C) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

''(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—

''(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

''(ii) such election shall not limit the value or use of such incentive.

''(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

''(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

''(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

''(A) shall not be includible in the gross income of the taxpayer, and

''(B) with respect to the dealer, shall not be deductible under this title.

''(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

''(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,

''(B) paragraph (6) of such subsection shall not apply, and

''(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.

''(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—

''(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

''(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(d)(6) shall apply for purposes of this paragraph.

''(C) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(8) DEALER.—For purposes of this subsection, the term 'dealer' means a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government, or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles.

''(9) INDIAN TRIBAL GOVERNMENT.—For purposes of this subsection, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

''(10) RECAPTURE.—In the case of any taxpayer who has made an election described in paragraph (1) with respect to a new clean vehicle and received a payment described in paragraph (2)(C) from an eligible entity, if the credit under subsection (a) would otherwise (but for this subsection) not be allowable to such taxpayer pursuant to the application of subsection (f)(10), the tax imposed on such taxpayer under this chapter for the taxable year in which such vehicle was placed in service shall be increased by the amount of the payment received by such taxpayer.''.

(2) CONFORMING AMENDMENTS.—Section 30D, as amended by the preceding provisions of this section, is amended—

(A) in subsection (d)(1)(H) of such section—

(i) in clause (iv), by striking ''and'' at the end,

(ii) in clause (v), by striking the period at the end and inserting '', and'', and

(iii) by adding at the end the following:

''(vi) in the case of a taxpayer who makes an election under subsection (g)(1), any amount described in subsection (g)(2)(C) which has been provided to such taxpayer.'', and

(B) in subsection (f)—

(i) by striking paragraph (3), and

(ii) in paragraph (8), by inserting '', including any vehicle with respect to which the taxpayer elects the application of subsection (g)'' before the period at the end.

(h) TERMINATION.—Section 30D is amended by adding at the end the following:

''(h) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle placed in service after December 31, 2032.''.

(i) ADDITIONAL CONFORMING AMENDMENTS.—

(1) The heading of section 30D is amended by striking ''**NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES**'' and inserting ''**CLEAN VEHICLE CREDIT**''.

(2) Section 30B is amended—

(A) in subsection (h)(8), by striking '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle'', and

(B) by striking subsection (i).

(3) Section 38(b)(30) is amended by striking ''qualified plug-in electric drive motor'' and inserting ''clean''.

(4) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (R), by striking ''and'' at the end,

(B) in subparagraph (S), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (S) the following:

''(T) an omission of a correct vehicle identification number required under section 30D(f)(9) (relating to credit for new clean vehicles) to be included on a return.''.

(5) Section 6501(m) is amended by striking ''30D(e)(4)'' and inserting ''30D(f)(6)''.

(6) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30D and inserting after the item relating to section 30C the following item:

''Sec. 30D. Clean vehicle credit.''.

(j) GROSS-UP OF DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any credit allowed to an eligible entity (as defined in section 30D(g)(2) of the Internal Revenue Code of 1986) pursuant to an election made under section 30D(g) of the Internal Revenue Code of 1986 that is direct spending shall be increased by 6.0445 percent.

(k) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the amendments made by this section shall apply to vehicles placed in service after December 31, 2022.

(2) FINAL ASSEMBLY.—The amendments made by subsection (b) shall apply to vehicles sold after the date of enactment of this Act.

(3) PER VEHICLE DOLLAR LIMITATION AND RELATED REQUIREMENTS.—The amendments made by subsections (a) and (e) shall apply to vehicles placed in service after the date on which the proposed guidance described in paragraph (3)(B) of section 30D(e) of the Internal Revenue Code of 1986 (as added by subsection (e)) is issued by the Secretary of the Treasury (or the Secretary's delegate).

(4) TRANSFER OF CREDIT.—The amendments made by subsection (g) shall apply to vehicles placed in service after December 31, 2023.

(5) ELIMINATION OF MANUFACTURER LIMITATION.—The amendment made by subsection (d) shall apply to vehicles sold after December 31, 2022.

(l) TRANSITION RULE.—Solely for purposes of the application of section 30D of the Internal Revenue Code of 1986, in the case of a taxpayer that—

(1) after December 31, 2021, and before the date of enactment of this Act, purchased, or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986, as in effect on the day before the date of enactment of this Act), and

(2) placed such vehicle in service on or after the date of enactment of this Act,

such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary's delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.

SEC. 13402. CREDIT FOR PREVIOUSLY-OWNED CLEAN VEHICLES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

''SEC. 25E. PREVIOUSLY-OWNED CLEAN VEHICLES.

''(a) ALLOWANCE OF CREDIT.—In the case of a qualified buyer who during a taxable year places in service a previously-owned clean vehicle, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

''(1) $4,000, or

''(2) the amount equal to 30 percent of the sale price with respect to such vehicle.

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

''(A) the lesser of—

''(i) the modified adjusted gross income of the taxpayer for such taxable year, or

''(ii) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds

''(B) the threshold amount.

''(2) THRESHOLD AMOUNT.—For purposes of paragraph (1)(B), the threshold amount shall be—

''(A) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000,

''(B) in the case of a head of household (as defined in section 2(b)), $112,500, and

''(C) in the case of a taxpayer not described in subparagraph (A) or (B), $75,000.

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) PREVIOUSLY-OWNED CLEAN VEHICLE.—The term 'previously-owned clean vehicle' means, with respect to a taxpayer, a motor vehicle—

''(A) the model year of which is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle,

''(B) the original use of which commences with a person other than the taxpayer,

''(C) which is acquired by the taxpayer in a qualified sale, and

''(D) which—

''(i) meets the requirements of subparagraphs (C), (D), (E), (F), and (H) (except for clause (iv) thereof) of section 30D(d)(1), or

''(ii) is a motor vehicle which—

''(I) satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

''(II) has a gross vehicle weight rating of less than 14,000 pounds.

''(2) QUALIFIED SALE.—The term 'qualified sale' means a sale of a motor vehicle—

''(A) by a dealer (as defined in section 30D(g)(8)),

''(B) for a sale price which does not exceed $25,000, and

''(C) which is the first transfer since the date of the enactment of this section to a qualified buyer other than the person with whom the original use of such vehicle commenced.

''(3) QUALIFIED BUYER.—The term 'qualified buyer' means, with respect to a sale of a motor vehicle, a taxpayer—

''(A) who is an individual,

''(B) who purchases such vehicle for use and not for resale,

''(C) with respect to whom no deduction is allowable with respect to another taxpayer under section 151, and

''(D) who has not been allowed a credit under this section for any sale during the 3-year period ending on the date of the sale of such vehicle.

''(4) MOTOR VEHICLE; CAPACITY.—The terms 'motor vehicle' and 'capacity' have the meaning given such terms in paragraphs (2) and (4) of section 30D(d), respectively.

''(d) VIN NUMBER REQUIREMENT.—No credit shall be allowed under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(e) APPLICATION OF CERTAIN RULES.—For purposes of this section, rules similar to the rules of section 30D(f) (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

''(f) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2032.''.

(b) TRANSFER OF CREDIT.—Section 25E, as added by subsection (a), is amended—

(1) by redesignating subsection (f) as subsection (g), and

(2) by inserting after subsection (e) the following:

''(f) TRANSFER OF CREDIT.—Rules similar to the rules of section 30D(g) shall apply.''.

(c) CONFORMING AMENDMENTS.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(1) in subparagraph (S), by striking ''and'' at the end,

(2) in subparagraph (T), by striking the period at the end and inserting '', and'', and

(3) by inserting after subparagraph (T) the following:

''(U) an omission of a correct vehicle identification number required under section 25E(d) (relating to credit for previously-owned clean vehicles) to be included on a return.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Previously-owned clean vehicles.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to vehicles acquired after December 31, 2022.

(2) TRANSFER OF CREDIT.—The amendments made by subsection (b) shall apply to vehicles acquired after December 31, 2023.

SEC. 13403. QUALIFIED COMMERCIAL CLEAN VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45W. CREDIT FOR QUALIFIED COMMERCIAL CLEAN VEHICLES.

''(a) IN GENERAL.—For purposes of section 38, the qualified commercial clean vehicle credit for any taxable year is an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each qualified commercial clean vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (4), the amount determined under this subsection with respect to any qualified commercial clean vehicle shall be equal to the lesser of—

''(A) 15 percent of the basis of such vehicle (30 percent in the case of a vehicle not powered by a gasoline or diesel internal combustion engine), or

''(B) the incremental cost of such vehicle.

''(2) INCREMENTAL COST.—For purposes of paragraph (1)(B), the incremental cost of any qualified commercial clean vehicle is an amount equal to the excess of the purchase price for such vehicle over such price of a comparable vehicle.

''(3) COMPARABLE VEHICLE.—For purposes of this subsection, the term 'comparable vehicle' means, with respect to any qualified commercial clean vehicle, any vehicle which is powered solely by a gasoline or diesel internal combustion engine and which is comparable in size and use to such vehicle.

''(4) LIMITATION.—The amount determined under this subsection with respect to any qualified commercial clean vehicle shall not exceed—

''(A) in the case of a vehicle which has a gross vehicle weight rating of less than 14,000 pounds, $7,500, and

''(B) in the case of a vehicle not described in subparagraph (A), $40,000.

''(c) QUALIFIED COMMERCIAL CLEAN VEHICLE.—For purposes of this section, the term 'qualified commercial clean vehicle' means any vehicle which—

''(1) meets the requirements of section 30D(d)(1)(C) and is acquired for use or lease by the taxpayer and not for resale,

''(2) either—

''(A) meets the requirements of subparagraph (D) of section 30D(d)(1) and is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails), or

''(B) is mobile machinery, as defined in section 4053(8) (including vehicles that are not designed to perform a function of transporting a load over the public highways),

''(3) either—

''(A) is propelled to a significant extent by an electric motor which draws electricity from a battery which has a capacity of not less than 15 kilowatt hours (or, in the case of a vehicle which has a gross vehicle weight rating of less than 14,000 pounds, 7 kilowatt hours) and is capable of being recharged from an external source of electricity, or

''(B) is a motor vehicle which satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

''(4) is of a character subject to the allowance for depreciation.

''(d) SPECIAL RULES.—

''(1) IN GENERAL.—Rules similar to the rules under subsection (f) of section 30D (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

''(2) VEHICLES PLACED IN SERVICE BY TAX-EXEMPT ENTITIES.—Subsection (c)(4) shall not apply to any vehicle which is not subject to a lease and which is placed in service by a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A).

''(3) NO DOUBLE BENEFIT.—No credit shall be allowed under this section with respect to any vehicle for which a credit was allowed under section 30D.

''(e) VIN NUMBER REQUIREMENT.—No credit shall be determined under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(f) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this section, including regulations or other guidance relating to determination of the incremental cost of any qualified commercial clean vehicle.

''(g) TERMINATION.—No credit shall be determined under this section with respect to any vehicle acquired after December 31, 2032.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (35), by striking ''plus'' at the end,

(B) in paragraph (36), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(37) the qualified commercial clean vehicle credit determined under section 45W.''.

(2) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (T), by striking ''and'' at the end,

(B) in subparagraph (U), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (U) the following:

''(V) an omission of a correct vehicle identification number required under section 45W(e) (relating to commercial clean vehicle credit) to be included on a return.''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45W. Qualified commercial clean vehicle credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2022.

SEC. 13404. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 30C(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) CREDIT FOR PROPERTY OF A CHARACTER SUBJECT TO DEPRECIATION.—

(1) IN GENERAL.—Section 30C(a) is amended by inserting ''(6 percent in the case of property of a character subject to depreciation)'' after ''30 percent''.

(2) MODIFICATION OF CREDIT LIMITATION.—Subsection (b) of section 30C is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking ''with respect to all'' and inserting ''with respect to any single item of'', and

(ii) by striking ''at a location'', and

(B) in paragraph (1), by striking ''$30,000 in the case of a property'' and inserting ''$100,000 in the case of any such item of property''.

(3) BIDIRECTIONAL CHARGING EQUIPMENT INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C(c) is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(A) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence

(within the meaning of section 121) of the taxpayer, and

''(B) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(i) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(ii) Any mixture—

''(I) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(II) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.

''(iii) Electricity.

''(2) BIDIRECTIONAL CHARGING EQUIPMENT.—Property shall not fail to be treated as qualified alternative fuel vehicle refueling property solely because such property—

''(A) is capable of charging the battery of a motor vehicle propelled by electricity, and

''(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.''.

(c) CERTAIN ELECTRIC CHARGING STATIONS INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following:

''(f) SPECIAL RULE FOR ELECTRIC CHARGING STATIONS FOR CERTAIN VEHICLES WITH 2 OR 3 WHEELS.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2), but only if such property—

''(A) meets the requirements of subsection (a)(2), and

''(B) is of a character subject to depreciation.

''(2) MOTOR VEHICLE.—A motor vehicle is described in this paragraph if the motor vehicle—

''(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails),

''(B) has 2 or 3 wheels, and

''(C) is propelled by electricity.''.

(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 30C, as amended by this section, is further amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

''(g) WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling project which satisfies the requirements of subparagraph (C), the amount of the credit determined under subsection (a) for any qualified alternative fuel vehicle refueling property of a character subject to an allowance for depreciation which is part of such project shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(B) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROJECT.—For purposes of this subsection, the term 'qualified alternative fuel vehicle refueling project' means a project consisting of one or more properties that are part of a single project.

''(C) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

''(i) A project the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (2)(A) and (3).

''(ii) A project which satisfies the requirements of paragraphs (2)(A) and (3).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified alternative fuel vehicle refueling project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of any qualified alternative fuel vehicle refueling property which is part of such project shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(e) ELIGIBLE CENSUS TRACTS.—Subsection (c) of section 30C, as amended by subsection (b)(3), is amended by adding at the end the following:

''(3) PROPERTY REQUIRED TO BE LOCATED IN ELIGIBLE CENSUS TRACTS.—

''(A) IN GENERAL.—Property shall not be treated as qualified alternative fuel vehicle refueling property unless such property is placed in service in an eligible census tract.

''(B) ELIGIBLE CENSUS TRACT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'eligible census tract' means any population census tract which—

''(I) is described in section 45D(e), or

''(II) is not an urban area.

''(ii) URBAN AREA.—For purposes of clause (i)(II), the term 'urban area' means a census tract (as defined by the Bureau of the Census) which, according to the most recent decennial census, has been designated as an urban area by the Secretary of Commerce.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

PART 5—INVESTMENT IN CLEAN ENERGY MANUFACTURING AND ENERGY SECURITY

SEC. 13501. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) EXTENSION OF CREDIT.—Section 48C is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL ALLOCATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(2) LIMITATION.—The total amount of credits which may be allocated under the program established under paragraph (1) shall not exceed $10,000,000,000, of which not greater than $6,000,000,000 may be allocated to qualified investments which are not located within a census tract which—

''(A) is described in clause (iii) of section 45(b)(11)(B), and

''(B) prior to the date of enactment of this subsection, had no project which received a certification and allocation of credits under subsection (d).

''(3) CERTIFICATIONS.—

''(A) APPLICATION REQUIREMENT.—Each applicant for certification under this subsection shall submit an application at such time and containing such information as the Secretary may require.

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 2 years from the date of issuance of the certification in order to place the project in service and to notify the Secretary that such project has been so placed in service, and if such project is not placed in service by that time period, then the certification shall no longer be valid. If any certification is revoked under this subparagraph, the amount of the limitation under paragraph (2) shall be increased by the amount of the credit with respect to such revoked certification.

''(D) LOCATION OF PROJECT.—In the case of an applicant which receives a certification, if the Secretary determines that the project has been placed in service at a location which is materially different than the location specified in the application for such project, the certification shall no longer be valid.

''(4) CREDIT RATE CONDITIONED UPON WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(A) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting '6 percent' for '30 percent'.

''(B) ALTERNATIVE RATE.—In the case of any project which satisfies the requirements of paragraphs (5)(A) and (6), subparagraph (A) shall not apply.

''(5) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to a project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the re-equipping, expansion, or establishment of a manufacturing facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(6) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(7) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.''.

(b) MODIFICATION OF QUALIFYING ADVANCED ENERGY PROJECTS.—Section 48C(c)(1)(A) is amended—

(1) by inserting '', any portion of the qualified investment of which is certified by the

Secretary under subsection (e) as eligible for a credit under this section'' after ''means a project'',

(2) in clause (i)—

(A) by striking ''a manufacturing facility for the production of'' and inserting ''an industrial or manufacturing facility for the production or recycling of'',

(B) in clause (I), by inserting ''water,'' after ''sun,'',

(C) in clause (II), by striking ''an energy storage system for use with electric or hybrid-electric motor vehicles'' and inserting ''energy storage systems and components'',

(D) in clause (III), by striking ''grids to support the transmission of intermittent sources of renewable energy, including storage of such energy'' and inserting ''grid modernization equipment or components'',

(E) in subclause (IV), by striking ''and sequester carbon dioxide emissions'' and inserting '', remove, use, or sequester carbon oxide emissions'',

(F) by striking subclause (V) and inserting the following:

''(V) equipment designed to refine, electrolyze, or blend any fuel, chemical, or product which is—

''(aa) renewable, or

''(bb) low-carbon and low-emission,'',

(G) by striking subclause (VI),

(H) by redesignating subclause (VII) as subclause (IX),

(I) by inserting after subclause (V) the following new subclauses:

''(VI) property designed to produce energy conservation technologies (including residential, commercial, and industrial applications),

''(VII) light-, medium-, or heavy-duty electric or fuel cell vehicles, as well as—

''(aa) technologies, components, or materials for such vehicles, and

''(bb) associated charging or refueling infrastructure,

''(VIII) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds, as well as technologies, components, or materials for such vehicles, or'', and

(J) in subclause (IX), as so redesignated, by striking ''and'' at the end, and

(3) by striking clause (ii) and inserting the following:

''(ii) which re-equips an industrial or manufacturing facility with equipment designed to reduce greenhouse gas emissions by at least 20 percent through the installation of—

''(I) low- or zero-carbon process heat systems,

''(II) carbon capture, transport, utilization and storage systems,

''(III) energy efficiency and reduction in waste from industrial processes, or

''(IV) any other industrial technology designed to reduce greenhouse gas emissions, as determined by the Secretary, or

''(iii) which re-equips, expands, or establishes an industrial facility for the processing, refining, or recycling of critical materials (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).''.

(c) CONFORMING AMENDMENT.—Subparagraph (A) of section 48C(c)(2) is amended to read as follows:

''(A) which is necessary for—

''(i) the production or recycling of property described in clause (i) of paragraph (1)(A),

''(ii) re-equipping an industrial or manufacturing facility described in clause (ii) of such paragraph, or

''(iii) re-equipping, expanding, or establishing an industrial facility described in clause (iii) of such paragraph,''.

(d) DENIAL OF DOUBLE BENEFIT.—48C(f), as redesignated by this section, is amended by striking ''or 48B'' and inserting ''48B, 48E, 45Q, or 45V''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 13502. ADVANCED MANUFACTURING PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45X. ADVANCED MANUFACTURING PRODUCTION CREDIT.

''(a) IN GENERAL.—

''(1) ALLOWANCE OF CREDIT.—For purposes of section 38, the advanced manufacturing production credit for any taxable year is an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each eligible component which is—

''(A) produced by the taxpayer, and

''(B) during the taxable year, sold by such taxpayer to an unrelated person.

''(2) PRODUCTION AND SALE MUST BE IN TRADE OR BUSINESS.—Any eligible component produced and sold by the taxpayer shall be taken into account only if the production and sale described in paragraph (1) is in a trade or business of the taxpayer.

''(3) UNRELATED PERSON.—

''(A) IN GENERAL.—For purposes of this subsection, a taxpayer shall be treated as selling components to an unrelated person if such component is sold to such person by a person related to the taxpayer.

''(B) ELECTION.—

''(i) IN GENERAL.—At the election of the taxpayer (in such form and manner as the Secretary may prescribe), a sale of components by such taxpayer to a related person shall be deemed to have been made to an unrelated person.

''(ii) REQUIREMENT.—As a condition of, and prior to, any election described in clause (i), the Secretary may require such information or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, or any improper or excessive amount determined under paragraph (1).

''(b) CREDIT AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (3), the amount determined under this subsection with respect to any eligible component, including any eligible component it incorporates, shall be equal to—

''(A) in the case of a thin film photovoltaic cell or a crystalline photovoltaic cell, an amount equal to the product of—

''(i) 4 cents, multiplied by

''(ii) the capacity of such cell (expressed on a per direct current watt basis),

''(B) in the case of a photovoltaic wafer, $12 per square meter,

''(C) in the case of solar grade polysilicon, $3 per kilogram,

''(D) in the case of a polymeric backsheet, 40 cents per square meter,

''(E) in the case of a solar module, an amount equal to the product of—

''(i) 7 cents, multiplied by

''(ii) the capacity of such module (expressed on a per direct current watt basis),

''(F) in the case of a wind energy component—

''(i) if such component is a related offshore wind vessel, an amount equal to 10 percent of the sales price of such vessel, and

''(ii) if such component is not described in clause (i), an amount equal to the product of—

''(I) the applicable amount with respect to such component (as determined under paragraph (2)(A)), multiplied by

''(II) the total rated capacity (expressed on a per watt basis) of the completed wind turbine for which such component is designed,

''(G) in the case of a torque tube, 87 cents per kilogram,

''(H) in the case of a structural fastener, $2.28 per kilogram,

''(I) in the case of an inverter, an amount equal to the product of—

''(i) the applicable amount with respect to such inverter (as determined under paragraph (2)(B)), multiplied by

''(ii) the capacity of such inverter (expressed on a per alternating current watt basis),

''(J) in the case of electrode active materials, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such materials,

''(K) in the case of a battery cell, an amount equal to the product of—

''(i) $35, multiplied by

''(ii) subject to paragraph (4), the capacity of such battery cell (expressed on a kilowatt-hour basis),

''(L) in the case of a battery module, an amount equal to the product of—

''(i) $10 (or, in the case of a battery module which does not use battery cells, $45), multiplied by

''(ii) subject to paragraph (4), the capacity of such battery module (expressed on a kilowatt-hour basis), and

''(M) in the case of any applicable critical mineral, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such mineral.

''(2) APPLICABLE AMOUNTS.—

''(A) WIND ENERGY COMPONENTS.—For purposes of paragraph (1)(F)(ii), the applicable amount with respect to any wind energy component shall be—

''(i) in the case of a blade, 2 cents,

''(ii) in the case of a nacelle, 5 cents,

''(iii) in the case of a tower, 3 cents, and

''(iv) in the case of an offshore wind foundation—

''(I) which uses a fixed platform, 2 cents, or

''(II) which uses a floating platform, 4 cents.

''(B) INVERTERS.—For purposes of paragraph (1)(I), the applicable amount with respect to any inverter shall be—

''(i) in the case of a central inverter, 0.25 cents,

''(ii) in the case of a utility inverter, 1.5 cents,

''(iii) in the case of a commercial inverter, 2 cents,

''(iv) in the case of a residential inverter, 6.5 cents, and

''(v) in the case of a microinverter or a distributed wind inverter, 11 cents.

''(3) PHASE OUT.—

''(A) IN GENERAL.—Subject to subparagraph (C), in the case of any eligible component sold after December 31, 2029, the amount determined under this subsection with respect to such component shall be equal to the product of—

''(i) the amount determined under paragraph (1) with respect to such component, as determined without regard to this paragraph, multiplied by

''(ii) the phase out percentage under subparagraph (B).

''(B) PHASE OUT PERCENTAGE.—The phase out percentage under this subparagraph is equal to—

''(i) in the case of an eligible component sold during calendar year 2030, 75 percent,

''(ii) in the case of an eligible component sold during calendar year 2031, 50 percent,

''(iii) in the case of an eligible component sold during calendar year 2032, 25 percent,

''(iv) in the case of an eligible component sold after December 31, 2032, 0 percent.

''(C) EXCEPTION.—For purposes of determining the amount under this subsection with respect to any applicable critical mineral, this paragraph shall not apply.

''(4) LIMITATION ON CAPACITY OF BATTERY CELLS AND BATTERY MODULES.—

''(A) IN GENERAL.—For purposes of subparagraph (K)(ii) or (L)(ii) of paragraph (1), the capacity determined under either subparagraph with respect to a battery cell or battery module shall not exceed a capacity-to-power ratio of 100:1.

''(B) CAPACITY-TO-POWER RATIO.—For purposes of this paragraph, the term 'capacity-to-power ratio' means, with respect to a battery cell or battery module, the ratio of the capacity of such cell or module to the maximum discharge amount of such cell or module.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE COMPONENT.—

''(A) IN GENERAL.—The term 'eligible component' means—

''(i) any solar energy component,

''(ii) any wind energy component,

''(iii) any inverter described in subparagraphs (B) through (G) of paragraph (2),

''(iv) any qualifying battery component, and

''(v) any applicable critical mineral.

''(B) APPLICATION WITH OTHER CREDITS.—The term 'eligible component' shall not include any property which is produced at a facility if the basis of any property which is part of such facility is taken into account for purposes of the credit allowed under section 48C after the date of the enactment of this section.

''(2) INVERTERS.—

''(A) IN GENERAL.—The term 'inverter' means an end product which is suitable to convert direct current electricity from 1 or more solar modules or certified distributed wind energy systems into alternating current electricity.

''(B) CENTRAL INVERTER.—The term 'central inverter' means an inverter which is suitable for large utility-scale systems and has a capacity which is greater than 1,000 kilowatts (expressed on a per alternating current watt basis).

''(C) COMMERCIAL INVERTER.—The term 'commercial inverter' means an inverter which—

''(i) is suitable for commercial or utility-scale applications,

''(ii) has a rated output of 208, 480, 600, or 800 volt three-phase power, and

''(iii) has a capacity which is not less than 20 kilowatts and not greater than 125 kilowatts (expressed on a per alternating current watt basis).

''(D) DISTRIBUTED WIND INVERTER.—

''(i) IN GENERAL.—The term 'distributed wind inverter' means an inverter which—

''(I) is used in a residential or non-residential system which utilizes 1 or more certified distributed wind energy systems, and

''(II) has a rated output of not greater than 150 kilowatts.

''(ii) CERTIFIED DISTRIBUTED WIND ENERGY SYSTEM.—The term 'certified distributed wind energy system' means a wind energy system which is certified by an accredited certification agency to meet Standard 9.1-2009 of the American Wind Energy Association (including any subsequent revisions to or modifications of such Standard which have been approved by the American National Standards Institute).

''(E) MICROINVERTER.—The term 'microinverter' means an inverter which—

''(i) is suitable to connect with one solar module,

''(ii) has a rated output of—

''(I) 120 or 240 volt single-phase power, or

''(II) 208 or 480 volt three-phase power, and

''(iii) has a capacity which is not greater than 650 watts (expressed on a per alternating current watt basis).

''(F) RESIDENTIAL INVERTER.—The term 'residential inverter' means an inverter which—

''(i) is suitable for a residence,

''(ii) has a rated output of 120 or 240 volt single-phase power, and

''(iii) has a capacity which is not greater than 20 kilowatts (expressed on a per alternating current watt basis).

''(G) UTILITY INVERTER.—The term 'utility inverter' means an inverter which—

''(i) is suitable for commercial or utility-scale systems,

''(ii) has a rated output of not less than 600 volt three-phase power, and

''(iii) has a capacity which is greater than 125 kilowatts and not greater than 1000 kilowatts (expressed on a per alternating current watt basis)

''(3) SOLAR ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'solar energy component' means any of the following:

''(i) Solar modules.

''(ii) Photovoltaic cells.

''(iii) Photovoltaic wafers.

''(iv) Solar grade polysilicon.

''(v) Torque tubes or structural fasteners.

''(vi) Polymeric backsheets.

''(B) ASSOCIATED DEFINITIONS.—

''(i) PHOTOVOLTAIC CELL.—The term 'photovoltaic cell' means the smallest semiconductor element of a solar module which performs the immediate conversion of light into electricity.

''(ii) PHOTOVOLTAIC WAFER.—The term 'photovoltaic wafer' means a thin slice, sheet, or layer of semiconductor material of at least 240 square centimeters—

''(I) produced by a single manufacturer either—

''(aa) directly from molten or evaporated solar grade polysilicon or deposition of solar grade thin film semiconductor photon absorber layer, or

''(bb) through formation of an ingot from molten polysilicon and subsequent slicing, and

''(II) which comprises the substrate or absorber layer of one or more photovoltaic cells.

''(iii) POLYMERIC BACKSHEET.—The term 'polymeric backsheet' means a sheet on the back of a solar module which acts as an electric insulator and protects the inner components of such module from the surrounding environment.

''(iv) SOLAR GRADE POLYSILICON.—The term 'solar grade polysilicon' means silicon which is—

''(I) suitable for use in photovoltaic manufacturing, and

''(II) purified to a minimum purity of 99.999999 percent silicon by mass.

''(v) SOLAR MODULE.—The term 'solar module' means the connection and lamination of photovoltaic cells into an environmentally protected final assembly which is—

''(I) suitable to generate electricity when exposed to sunlight, and

''(II) ready for installation without an additional manufacturing process.

''(vi) SOLAR TRACKER.—The term 'solar tracker' means a mechanical system that moves solar modules according to the position of the sun and to increase energy output.

''(vii) SOLAR TRACKER COMPONENTS.—

''(I) TORQUE TUBE.—The term 'torque tube' means a structural steel support element (including longitudinal purlins) which—

''(aa) is part of a solar tracker,

''(bb) is of any cross-sectional shape,

''(cc) may be assembled from individually manufactured segments,

''(dd) spans longitudinally between foundation posts,

''(ee) supports solar panels and is connected to a mounting attachment for solar panels (with or without separate module interface rails), and

''(ff) is rotated by means of a drive system.

''(II) STRUCTURAL FASTENER.—The term 'structural fastener' means a component which is used—

''(aa) to connect the mechanical and drive system components of a solar tracker to the foundation of such solar tracker,

''(bb) to connect torque tubes to drive assemblies, or

''(cc) to connect segments of torque tubes to one another.

''(4) WIND ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'wind energy component' means any of the following:

''(i) Blades.

''(ii) Nacelles.

''(iii) Towers.

''(iv) Offshore wind foundations.

''(v) Related offshore wind vessels.

''(B) ASSOCIATED DEFINITIONS.—

''(i) BLADE.—The term 'blade' means an airfoil-shaped blade which is responsible for converting wind energy to low-speed rotational energy.

''(ii) OFFSHORE WIND FOUNDATION.—The term 'offshore wind foundation' means the component (including transition piece) which secures an offshore wind tower and any above-water turbine components to the seafloor using—

''(I) fixed platforms, such as offshore wind monopiles, jackets, or gravity-based foundations, or

''(II) floating platforms and associated mooring systems.

''(iii) NACELLE.—The term 'nacelle' means the assembly of the drivetrain and other tower-top components of a wind turbine (with the exception of the blades and the hub) within their cover housing.

''(iv) RELATED OFFSHORE WIND VESSEL.—The term 'related offshore wind vessel' means any vessel which is purpose-built or retrofitted for purposes of the development, transport, installation, operation, or maintenance of offshore wind energy components.

''(v) TOWER.—The term 'tower' means a tubular or lattice structure which supports the nacelle and rotor of a wind turbine.

''(5) QUALIFYING BATTERY COMPONENT.—

''(A) IN GENERAL.—The term 'qualifying battery component' means any of the following:

''(i) Electrode active materials.

''(ii) Battery cells.

''(iii) Battery modules.

''(B) ASSOCIATED DEFINITIONS.—

''(i) ELECTRODE ACTIVE MATERIAL.—The term 'electrode active material' means cathode materials, anode materials, anode foils, and electrochemically active materials, including solvents, additives, and electrolyte salts that contribute to the electrochemical processes necessary for energy storage .

''(ii) BATTERY CELL.—The term 'battery cell' means an electrochemical cell—

''(I) comprised of 1 or more positive electrodes and 1 or more negative electrodes,

''(II) with an energy density of not less than 100 watt-hours per liter, and

''(III) capable of storing at least 12 watt-hours of energy.

''(iii) BATTERY MODULE.—The term 'battery module' means a module—

''(I)(aa) in the case of a module using battery cells, with 2 or more battery cells which are configured electrically, in series or parallel, to create voltage or current, as appropriate, to a specified end use, or

''(bb) with no battery cells, and

''(II) with an aggregate capacity of not less than 7 kilowatt-hours (or, in the case of a module for a hydrogen fuel cell vehicle, not less than 1 kilowatt-hour).

''(6) APPLICABLE CRITICAL MINERALS.—The term 'applicable critical mineral' means any of the following:

''(A) ALUMINUM.—Aluminum which is—

''(i) converted from bauxite to a minimum purity of 99 percent alumina by mass, or

''(ii) purified to a minimum purity of 99.9 percent aluminum by mass.

''(B) ANTIMONY.—Antimony which is—

''(i) converted to antimony trisulfide concentrate with a minimum purity of 90 percent antimony trisulfide by mass, or

''(ii) purified to a minimum purity of 99.65 percent antimony by mass.

''(C) BARITE.—Barite which is barium sulfate purified to a minimum purity of 80 percent barite by mass.

''(D) BERYLLIUM.—Beryllium which is—

''(i) converted to copper-beryllium master alloy, or

''(ii) purified to a minimum purity of 99 percent beryllium by mass.

''(E) CERIUM.—Cerium which is—

''(i) converted to cerium oxide which is purified to a minimum purity of 99.9 percent cerium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent cerium by mass.

''(F) CESIUM.—Cesium which is—

''(i) converted to cesium formate or cesium carbonate, or

''(ii) purified to a minimum purity of 99 percent cesium by mass.

''(G) CHROMIUM.—Chromium which is—

''(i) converted to ferrochromium consisting of not less than 60 percent chromium by mass, or

''(ii) purified to a minimum purity of 99 percent chromium by mass.

''(H) COBALT.—Cobalt which is—

''(i) converted to cobalt sulfate, or

''(ii) purified to a minimum purity of 99.6 percent cobalt by mass.

''(I) DYSPROSIUM.—Dysprosium which is—

''(i) converted to not less than 99 percent pure dysprosium iron alloy by mass, or

''(ii) purified to a minimum purity of 99 percent dysprosium by mass.

''(J) EUROPIUM.—Europium which is—

''(i) converted to europium oxide which is purified to a minimum purity of 99.9 percent europium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent by mass.

''(K) FLUORSPAR.—Fluorspar which is—

''(i) converted to fluorspar which is purified to a minimum purity of 97 percent calcium fluoride by mass, or

''(ii) purified to a minimum purity of 99 percent fluorspar by mass.

''(L) GADOLINIUM.—Gadolinium which is—

''(i) converted to gadolinium oxide which is purified to a minimum purity of 99.9 percent gadolinium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent gadolinium by mass.

''(M) GERMANIUM.—Germanium which is—

''(i) converted to germanium tetrachloride, or

''(ii) purified to a minimum purity of 99.99 percent germanium by mass.

''(N) GRAPHITE.—Graphite which is purified to a minimum purity of 99.9 percent graphitic carbon by mass.

''(O) INDIUM.—Indium which is—

''(i) converted to—

''(I) indium tin oxide, or

''(II) indium oxide which is purified to a minimum purity of 99.9 percent indium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent indium by mass.

''(P) LITHIUM.—Lithium which is—

''(i) converted to lithium carbonate or lithium hydroxide, or

''(ii) purified to a minimum purity of 99.9 percent lithium by mass.

''(Q) MANGANESE.—Manganese which is—

''(i) converted to manganese sulphate, or

''(ii) purified to a minimum purity of 99.7 percent manganese by mass.

''(R) NEODYMIUM.—Neodymium which is—

''(i) converted to neodymium-praseodymium oxide which is purified to a minimum purity of 99 percent neodymium-praseodymium oxide by mass,

''(ii) converted to neodymium oxide which is purified to a minimum purity of 99.5 percent neodymium oxide by mass

''(iii) purified to a minimum purity of 99.9 percent neodymium by mass.

''(S) NICKEL.—Nickel which is—

''(i) converted to nickel sulphate, or

''(ii) purified to a minimum purity of 99 percent nickel by mass.

''(T) NIOBIUM.—Niobium which is—

''(i) converted to ferronibium, or

''(ii) purified to a minimum purity of 99 percent niobium by mass.

''(U) TELLURIUM.—Tellurium which is—

''(i) converted to cadmium telluride, or

''(ii) purified to a minimum purity of 99 percent tellurium by mass.

''(V) TIN.—Tin which is purified to low alpha emitting tin which—

''(i) has a purity of greater than 99.99 percent by mass, and

''(ii) possesses an alpha emission rate of not greater than 0.01 counts per hour per centimeter square.

''(W) TUNGSTEN.—Tungsten which is converted to ammonium paratungstate or ferrotungsten.

''(X) VANADIUM.—Vanadium which is converted to ferrovanadium or vanadium pentoxide.

''(Y) YTTRIUM.—Yttrium which is—

''(i) converted to yttrium oxide which is purified to a minimum purity of 99.999 percent yttrium oxide by mass, or

''(ii) purified to a minimum purity of 99.9 percent yttrium by mass.

''(Z) OTHER MINERALS.—Any of the following minerals, provided that such mineral is purified to a minimum purity of 99 percent by mass:

''(i) Arsenic.
''(ii) Bismuth.
''(iii) Erbium.
''(iv) Gallium.
''(v) Hafnium.
''(vi) Holmium.
''(vii) Iridium.
''(viii) Lanthanum.
''(ix) Lutetium.
''(x) Magnesium.
''(xi) Palladium.
''(xii) Platinum.
''(xiii) Praseodymium.
''(xiv) Rhodium.
''(xv) Rubidium.
''(xvi) Ruthenium.
''(xvii) Samarium.
''(xviii) Scandium.
''(xix) Tantalum.
''(xx) Terbium.
''(xxi) Thulium.
''(xxii) Titanium.
''(xxiii) Ytterbium.
''(xxiv) Zinc.
''(xxv) Zirconium.

''(d) SPECIAL RULES.—In this section—

''(1) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

''(2) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Sales shall be taken into account under this section only with respect to eligible components the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(4) SALE OF INTEGRATED COMPONENTS.—For purposes of this section, a person shall be treated as having sold an eligible component to an unrelated person if such component is integrated, incorporated, or assembled into another eligible component which is sold to an unrelated person.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (36), by striking ''plus'' at the end,

(B) in paragraph (37), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(38) the advanced manufacturing production credit determined under section 45X(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45X. Advanced manufacturing production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to components produced and sold after December 31, 2022.

PART 6—SUPERFUND

SEC. 13601. REINSTATEMENT OF SUPERFUND.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611 is amended by striking subsection (e).

(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking ''9.7 cents'' and inserting ''16.4 cents''.

(B) Section 4611(c) is amended by adding at the end the following:

''(3) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of a year beginning after 2023, the amount in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.''.

(b) AUTHORITY FOR ADVANCES.—Section 9507(d)(3)(B) is amended by striking ''December 31, 1995'' and inserting ''December 31, 2032''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

PART 7—INCENTIVES FOR CLEAN ELECTRICITY AND CLEAN TRANSPORTATION

SEC. 13701. CLEAN ELECTRICITY PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45Y. CLEAN ELECTRICITY PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean electricity production credit for any taxable year is an amount equal to the product of—

''(A) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified facility, and

''(ii)(I) sold by the taxpayer to an unrelated person during the taxable year, or

''(II) in the case of a qualified facility which is equipped with a metering device which is owned and operated by an unrelated person, sold, consumed, or stored by the taxpayer during the taxable year, multiplied by

''(B) the applicable amount with respect to such qualified facility.

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility which is not described in clause (i) or (ii) of subparagraph (B) and does not satisfy the requirements described in clause (iii) of such subparagraph, the applicable amount shall be 0.3 cents.

''(B) ALTERNATIVE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility—

''(i) with a maximum net output of less than 1 megawatt (as measured in alternating current),

''(ii) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (9) and (10) of subsection (g), or

''(iii) which—

''(I) satisfies the requirements under paragraph (9) of subsection (g), and

''(II) with respect to the construction of such facility, satisfies the requirements under paragraph (10) of subsection (g),

the applicable amount shall be 1.5 cents.

''(b) QUALIFIED FACILITY.—

''(1) IN GENERAL.—

''(A) DEFINITION.—Subject to subparagraphs (B), (C), and (D), the term 'qualified facility' means a facility owned by the taxpayer—

''(i) which is used for the generation of electricity,

''(ii) which is placed in service after December 31, 2024, and

''(iii) for which the greenhouse gas emissions rate (as determined under paragraph (2)) is not greater than zero.

''(B) 10-YEAR PRODUCTION CREDIT.—For purposes of this section, a facility shall only be treated as a qualified facility during the 10-year period beginning on the date the facility was originally placed in service.

''(C) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—The term 'qualified facility' shall include either of the following in connection with a facility described in subparagraph (A) (without regard to clause (ii) of such subparagraph) which was placed in service before January 1, 2025, but only to the extent of the increased amount of electricity produced at the facility by reason of the following:

''(i) A new unit which is placed in service after December 31, 2024.

''(ii) Any additions of capacity which are placed in service after December 31, 2024.

''(D) COORDINATION WITH OTHER CREDITS.—The term 'qualified facility' shall not include any facility for which a credit determined under section 45, 45J, 45Q, 45U, 48, 48A, or 48E is allowed under section 38 for the taxable year or any prior taxable year.

''(2) GREENHOUSE GAS EMISSIONS RATE.—

''(A) IN GENERAL.—For purposes of this section, the term 'greenhouse gas emissions rate' means the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity, expressed as grams of CO_2e per KWh.

''(B) FUEL COMBUSTION AND GASIFICATION.—In the case of a facility which produces electricity through combustion or gasification, the greenhouse gas emissions rate for such facility shall be equal to the net rate of greenhouse gases emitted into the atmosphere by such facility (taking into account lifecycle greenhouse gas emissions, as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H))) in the production of electricity, expressed as grams of CO_2e per KWh.

''(C) ESTABLISHMENT OF EMISSIONS RATES FOR FACILITIES.—

''(i) PUBLISHING EMISSIONS RATES.—The Secretary shall annually publish a table that sets forth the greenhouse gas emissions rates for types or categories of facilities, which a taxpayer shall use for purposes of this section.

''(ii) PROVISIONAL EMISSIONS RATE.—In the case of any facility for which an emissions rate has not been established by the Secretary, a taxpayer which owns such facility may file a petition with the Secretary for determination of the emissions rate with respect to such facility.

''(D) CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—For purposes of this subsection, the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity shall not include any qualified carbon dioxide that is captured by the taxpayer and—

''(i) pursuant to any regulations established under paragraph (2) of section 45Q(f), disposed of by the taxpayer in secure geological storage, or

''(ii) utilized by the taxpayer in a manner described in paragraph (5) of such section.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of a calendar year beginning after 2024, the 0.3 cent amount in paragraph (2)(A) of subsection (a) and the 1.5 cent amount in paragraph (2)(B) of such subsection shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale, consumption, or storage of the electricity occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 1.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) ANNUAL COMPUTATION.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor for such calendar year in accordance with this subsection.

''(3) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1992. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

''(d) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean electricity production credit under subsection (a) for any qualified facility the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for a facility the construction of which begins during the first calendar year following the applicable year, 100 percent,

''(B) for a facility the construction of which begins during the second calendar year following the applicable year, 75 percent,

''(C) for a facility the construction of which begins during the third calendar year following the applicable year, 50 percent, and

''(D) for a facility the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' means the later of—

''(A) the calendar year in which the Secretary determines that the annual greenhouse gas emissions from the production of electricity in the United States are equal to or less than 25 percent of the annual greenhouse gas emissions from the production of electricity in the United States for calendar year 2022, or

''(B) 2032.

''(e) DEFINITIONS.—For purposes of this section:

''(1) CO_2e PER KWh.—The term 'CO_2e per KWh' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on global warming potential) per kilowatt hour of electricity produced.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given such term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(3) QUALIFIED CARBON DIOXIDE.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas,

''(B) is measured at the source of capture and verified at the point of disposal or utilization, and

''(C) is captured and disposed or utilized within the United States (within the meaning of section 638(1)) or a possession of the United States (within the meaning of section 638(2)).

''(f) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified facilities and determination of clean electricity production credits under this section.

''(g) SPECIAL RULES.—

''(1) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Consumption, sales, or storage shall be taken into account under this section only with respect to electricity the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—For purposes of subsection (a)—

''(i) the kilowatt hours of electricity produced by a taxpayer at a qualified facility shall include any production in the form of useful thermal energy by any combined heat and power system property within such facility, and

''(ii) the amount of greenhouse gases emitted into the atmosphere by such facility in the production of such useful thermal energy shall be included for purposes of determining the greenhouse gas emissions rate for such facility.

''(B) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of this paragraph, the term 'combined heat and power system property' has the same meaning given such term by section 48(c)(3) (without regard to subparagraphs (A)(iv), (B), and (D) thereof).

''(C) CONVERSION FROM BTU TO KWH.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(i), the amount of kilowatt hours of

electricity produced in the form of useful thermal energy shall be equal to the quotient of—

''(I) the total useful thermal energy produced by the combined heat and power system property within the qualified facility, divided by

''(II) the heat rate for such facility.

''(ii) HEAT RATE.—For purposes of this subparagraph, the term 'heat rate' means the amount of energy used by the qualified facility to generate 1 kilowatt hour of electricity, expressed as British thermal units per net kilowatt hour generated.

''(3) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a qualified facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(4) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

''(5) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(6) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.

''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section, the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

''(7) INCREASE IN CREDIT IN ENERGY COMMUNITIES.—In the case of any qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under subsection (a) with respect to any electricity produced by the taxpayer at such facility during the taxable year, the applicable amount under paragraph (2) of such subsection shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such paragraph.

''(8) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

''(9) WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7) shall apply.

''(10) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(11) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirement under subparagraph (B)(i), the amount of the credit determined under subsection (a) shall be increased by an amount equal to 10 percent of the amount so determined (as determined without application of paragraph (7)).

''(B) REQUIREMENT.—

''(i) IN GENERAL.—The requirement described in this subclause is satisfied with respect to any qualified facility if the taxpayer certifies to the Secretary (at such time, and in such form and manner, as the Secretary may prescribe) that any steel, iron, or manufactured product which is a component of such facility (upon completion of construction) was produced in the United States (as determined under section 661 of title 49, Code of Federal Regulations).

''(ii) STEEL AND IRON.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5 of title 49, Code of Federal Regulations.

''(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), the manufactured products which are components of a qualified facility upon completion of construction shall be deemed to have been produced in the United States if not less than the adjusted percentage (as determined under subparagraph (C)) of the total costs of all such manufactured products of such facility are attributable to manufactured products (including components) which are mined, produced, or manufactured in the United States.

''(C) ADJUSTED PERCENTAGE.—

''(i) IN GENERAL.—Subject to subclause (ii), for purposes of subparagraph (B)(iii), the adjusted percentage shall be—

''(I) in the case of a facility the construction of which begins before January 1, 2025, 40 percent,

''(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 45 percent,

''(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 50 percent, and

''(IV) in the case of a facility the construction of which begins after December 31, 2026, 55 percent.

''(ii) OFFSHORE WIND FACILITY.—For purposes of subparagraph (B)(iii), in the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be—

''(I) in the case of a facility the construction of which begins before January 1, 2025, 20 percent,

''(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 27.5 percent,

''(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 35 percent,

''(IV) in the case of a facility the construction of which begins after December 31, 2026, and before January 1, 2028, 45 percent, and

''(V) in the case of a facility the construction of which begins after December 31, 2027, 55 percent.

''(12) PHASEOUT FOR ELECTIVE PAYMENT.—

''(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

''(i) the value of such credit (determined without regard to this paragraph), multiplied by

''(ii) the applicable percentage.

''(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

''(i) which satisfies the requirements under paragraph (11)(B), or

''(ii) with a maximum net output of less than 1 megawatt (as measured in alternating current),

the applicable percentage shall be 100 percent.

''(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

''(i) if construction of such facility began before January 1, 2024, 100 percent,

''(ii) if construction of such facility began in calendar year 2024, 90 percent,

''(iii) if construction of such facility began in calendar year 2025, 85 percent, and

''(iv) if construction of such facility began after December 31, 2025, 0 percent.

''(D) EXCEPTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall provide exceptions to the requirements under this paragraph if—

''(I) the inclusion of steel, iron, or manufactured products which are produced in the United States increases the overall costs of construction of qualified facilities by more than 25 percent, or

''(II) relevant steel, iron, or manufactured products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

''(ii) APPLICABLE PERCENTAGE.—In any case in which the Secretary provides an exception pursuant to clause (i), the applicable percentage shall be 100 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (37), by striking ''plus'' at the end,

(B) in paragraph (38), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(39) the clean electricity production credit determined under section 45Y(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this

Act, is amended by adding at the end the following new item:

''Sec. 45Y. Clean electricity production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2024.

SEC. 13702. CLEAN ELECTRICITY INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1, as amended by section 107(a) of the CHIPS Act of 2022, is amended by inserting after section 48D the following new section:

''SEC. 48E. CLEAN ELECTRICITY INVESTMENT CREDIT.

''(a) INVESTMENT CREDIT FOR QUALIFIED PROPERTY.—

''(1) IN GENERAL.—For purposes of section 46, the clean electricity investment credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year with respect to—

''(A) any qualified facility, and

''(B) any energy storage technology.

''(2) APPLICABLE PERCENTAGE.—

''(A) QUALIFIED FACILITIES.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any qualified facility which is not described in subclause (I) or (II) of clause (ii) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any qualified facility—

''(I) with a maximum net output of less than 1 megawatt (as measured in alternating current),

''(II) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

''(III) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such facility, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

''(B) ENERGY STORAGE TECHNOLOGY.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any energy storage technology which is not described in subclause (I) or (II) of clause (ii) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any energy storage technology—

''(I) with a capacity of less than 1 megawatt,

''(II) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

''(III) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such property, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

''(3) INCREASE IN CREDIT RATE IN CERTAIN CASES.—

''(A) ENERGY COMMUNITIES.—

''(i) IN GENERAL.—In the case of any qualified investment with respect to a qualified facility or with respect to energy storage technology which is placed in service within an energy community (as defined in section 45(b)(11)(B)), for purposes of applying paragraph (2) with respect to such property or investment, the applicable percentage shall be increased by the applicable credit rate increase.

''(ii) APPLICABLE CREDIT RATE INCREASE.—For purposes of clause (i), the applicable credit rate increase shall be an amount equal to—

''(I) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(i) or with respect to energy storage technology described in paragraph (2)(B)(i), 2 percentage points, and

''(II) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(ii) or with respect to energy storage technology described in paragraph (2)(B)(ii), 10 percentage points.

''(B) DOMESTIC CONTENT.—Rules similar to the rules of section 48(a)(12) shall apply.

''(b) QUALIFIED INVESTMENT WITH RESPECT TO A QUALIFIED FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment with respect to any qualified facility for any taxable year is the sum of—

''(A) the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of a qualified facility, plus

''(B) the amount of any expenditures which are—

''(i) paid or incurred by the taxpayer for qualified interconnection property—

''(I) in connection with a qualified facility which has a maximum net output of not greater than 5 megawatts (as measured in alternating current), and

''(II) placed in service during the taxable year of the taxpayer, and

''(ii) properly chargeable to capital account of the taxpayer.

''(2) QUALIFIED PROPERTY.—For purposes of this section, the term 'qualified property' means property—

''(A) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified facility,

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(C)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

''(3) QUALIFIED FACILITY.—

''(A) IN GENERAL.—For purposes of this section, the term 'qualified facility' means a facility—

''(i) which is used for the generation of electricity,

''(ii) which is placed in service after December 31, 2024, and

''(iii) for which the anticipated greenhouse gas emissions rate (as determined under subparagraph (B)(ii)) is not greater than zero.

''(B) ADDITIONAL RULES.—

''(i) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—Rules similar to the rules of section 45Y(b)(1)(C) shall apply for purposes of this paragraph.

''(ii) GREENHOUSE GAS EMISSIONS RATE.—Rules similar to the rules of section 45Y(b)(2) shall apply for purposes of this paragraph.

''(C) EXCLUSION.—The term 'qualified facility' shall not include any facility for which—

''(i) a renewable electricity production credit determined under section 45,

''(ii) an advanced nuclear power facility production credit determined under section 45J,

''(iii) a carbon oxide sequestration credit determined under section 45Q,

''(iv) a zero-emission nuclear power production credit determined under section 45U,

''(v) a clean electricity production credit determined under section 45Y,

''(vi) an energy credit determined under section 48, or

''(vii) a qualifying advanced coal project credit under section 48A,

is allowed under section 38 for the taxable year or any prior taxable year.

''(4) QUALIFIED INTERCONNECTION PROPERTY.—For purposes of this paragraph, the term 'qualified interconnection property' has the meaning given such term in section 48(a)(8)(B).

''(5) COORDINATION WITH REHABILITATION CREDIT.—The qualified investment with respect to any qualified facility for any taxable year shall not include that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

''(6) DEFINITIONS.—For purposes of this subsection, the terms 'CO2e per KWh' and 'greenhouse gas emissions rate' have the same meaning given such terms under section 45Y.

''(c) QUALIFIED INVESTMENT WITH RESPECT TO ENERGY STORAGE TECHNOLOGY.—

''(1) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment with respect to energy storage technology for any taxable year is the basis of any energy storage technology placed in service by the taxpayer during such taxable year.

''(2) ENERGY STORAGE TECHNOLOGY.—For purposes of this section, the term 'energy storage technology' has the meaning given such term in section 48(c)(6) (except that subparagraph (D) of such section shall not apply).

''(d) SPECIAL RULES.—

''(1) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(2) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR PRIVATE ACTIVITY BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

''(3) PREVAILING WAGE REQUIREMENTS.—Rules similar to the rules of section 48(a)(10) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) DOMESTIC CONTENT REQUIREMENT FOR ELECTIVE PAYMENT.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, rules similar to the rules of section 45Y(g)(12) shall apply.

''(e) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean electricity investment credit under subsection (a) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the first calendar year following the applicable year, 100 percent,

''(B) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the second calendar year following the applicable year, 75 percent,

''(C) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the third calendar year following the applicable year, 50 percent, and

''(D) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' has the same meaning given such term in section 45Y(d)(3).

''(f) GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the same meaning given such term under section 45Y(e)(2).

''(g) RECAPTURE OF CREDIT.—For purposes of section 50, if the Secretary determines that the greenhouse gas emissions rate for a qualified facility is greater than 10 grams of CO_2e per KWh, any property for which a credit was allowed under this section with respect to such facility shall cease to be investment credit property in the taxable year in which the determination is made.

''(h) SPECIAL RULES FOR CERTAIN FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.—

''(1) IN GENERAL.—In the case of any applicable facility with respect to which the Secretary makes an allocation of environmental justice capacity limitation under paragraph (4)—

''(A) the applicable percentage otherwise determined under subsection (a)(2) with respect to any eligible property which is part of such facility shall be increased by—

''(i) in the case of a facility described in subclause (I) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

''(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

''(B) the increase in the credit determined under subsection (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

''(i) the environmental justice capacity limitation allocated to such facility, bears to

''(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

''(2) APPLICABLE FACILITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'applicable facility' means any qualified facility—

''(i) which is not described in section 45Y(b)(2)(B),

''(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

''(iii) which—

''(I) is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

''(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

''(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

''(i) such facility is installed on a residential rental building which participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, a housing program administered by a tribally designated housing entity (as defined in section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(22))) or such other affordable housing programs as the Secretary may provide, and

''(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

''(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

''(i) less than 200 percent of the poverty line (as defined in section 36B(d)(3)(A)) applicable to a family of the size involved, or

''(ii) less than 80 percent of area median gross income (as determined under section 142(d)(2)(B)).

''(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as a financial benefit.

''(3) ELIGIBLE PROPERTY.—For purposes of this subsection, the term 'eligible property' means a qualified investment with respect to any applicable facility.

''(4) ALLOCATIONS.—

''(A) IN GENERAL.—Not later than January 1, 2025, the Secretary shall establish a program to allocate amounts of environmental justice capacity limitation to applicable facilities. In establishing such program and to carry out the purposes of this subsection, the Secretary shall provide procedures to allow for an efficient allocation process, including, when determined appropriate, consideration of multiple projects in a single application if such projects will be placed in service by a single taxpayer.

''(B) LIMITATION.—The amount of environmental justice capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such year.

''(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term 'annual capacity limitation' means 1.8 gigawatts of direct current capacity for each calendar year during the period beginning on January 1, 2025, and ending on December 31 of the applicable year (as defined in section 45Y(d)(3)), and zero thereafter.

''(D) CARRYOVER OF UNUSED LIMITATION.—

''(i) IN GENERAL.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after the third calendar year following the applicable year (as defined in section 45Y(d)(3)).

''(ii) CARRYOVER FROM SECTION 48 FOR CALENDAR YEAR 2025.—If the annual capacity limitation for calendar year 2024 under section 48(e)(4)(D) exceeds the aggregate amount allocated for such year under such section, such excess amount may be carried over and applied to the annual capacity limitation under this subsection for calendar year 2025. The annual capacity limitation for calendar year 2025 shall be increased by the amount of such excess.

''(E) PLACED IN SERVICE DEADLINE.—

''(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility of which such property is a part.

''(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D)(i) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

''(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.

''(i) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 46, as amended by section 107(d) of the CHIPS Act of 2022, is amended—

(A) in paragraph (5), by striking ''and'' at the end,

(B) in paragraph (6), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(7) the clean electricity investment credit.''.

(2) Section 49(a)(1)(C), as amended by section 107(d) of the CHIPS Act of 2022, is amended—

(A) by striking ''and'' at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting a comma, and

(C) by adding at the end the following new clauses:

''(vii) the basis of any qualified property which is part of a qualified facility under section 48E, and

''(viii) the basis of any energy storage technology under section 48E.''.

(3) Section 50(a)(2)(E), as amended by section 107(d) of the CHIPS Act of 2022, is amended by striking ''or 48D(b)(5)'' and inserting ''48D(b)(5), or 48E(e)''.

(4) Section 50(c)(3) is amended by inserting ''or clean electricity investment credit'' after ''In the case of any energy credit''.

(5) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 107(d) of the CHIPS Act of 2022, is amended by inserting after the item relating to section 48D the following new item:

''48E. Clean electricity investment credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2024.

SEC. 13703. COST RECOVERY FOR QUALIFIED FACILITIES, QUALIFIED PROPERTY, AND ENERGY STORAGE TECHNOLOGY.

(a) IN GENERAL.—Section 168(e)(3)(B) is amended—

(1) in clause (vi)(III), by striking ''and'' at the end,

(2) in clause (vii), by striking the period at the end and inserting '', and'', and

(3) by inserting after clause (vii) the following:

''(viii) any qualified facility (as defined in section 45Y(b)(1)(A)), any qualified property (as defined in subsection (b)(2) of section 48E) which is a qualified investment (as defined in subsection (b)(1) of such section), or any energy storage technology (as defined in subsection (c)(2) of such section).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities and property placed in service after December 31, 2024.

SEC. 13704. CLEAN FUEL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45Z. CLEAN FUEL PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean fuel production credit for any taxable year is an amount equal to the product of—

''(A) the applicable amount per gallon (or gallon equivalent) with respect to any transportation fuel which is—

''(i) produced by the taxpayer at a qualified facility, and

''(ii) sold by the taxpayer in a manner described in paragraph (4) during the taxable year, and

''(B) the emissions factor for such fuel (as determined under subsection (b)).

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which does not satisfy the requirements described in subparagraph (B), the applicable amount shall be 20 cents.

''(B) ALTERNATIVE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which satisfies the requirements under paragraphs (6) and (7) of subsection (f), the applicable amount shall be $1.00.

''(3) SPECIAL RATE FOR SUSTAINABLE AVIATION FUEL.—

''(A) IN GENERAL.—In the case of a transportation fuel which is sustainable aviation fuel, paragraph (2) shall be applied—

''(i) in the case of fuel produced at a qualified facility described in paragraph (2)(A), by substituting '35 cents' for '20 cents', and

''(ii) in the case of fuel produced at a qualified facility described in paragraph (2)(B), by substituting '$1.75' for '$1.00'.

''(B) SUSTAINABLE AVIATION FUEL.—For purposes of this subparagraph (A), the term 'sustainable aviation fuel' means liquid fuel, the portion of which is not kerosene, which is sold for use in an aircraft and which—

''(i) meets the requirements of—

''(I) ASTM International Standard D7566, or

''(II) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1, and

''(ii) is not derived from palm fatty acid distillates or petroleum.

''(4) SALE.—For purposes of paragraph (1), the transportation fuel is sold in a manner described in this paragraph if such fuel is sold by the taxpayer to an unrelated person—

''(A) for use by such person in the production of a fuel mixture,

''(B) for use by such person in a trade or business, or

''(C) who sells such fuel at retail to another person and places such fuel in the fuel tank of such other person.

''(5) ROUNDING.—If any amount determined under paragraph (1) is not a multiple of 1 cent, such amount shall be rounded to the nearest cent.

''(b) EMISSIONS FACTORS.—

''(1) EMISSIONS FACTOR.—

''(A) CALCULATION.—

''(i) IN GENERAL.—The emissions factor of a transportation fuel shall be an amount equal to the quotient of—

''(I) an amount equal to—

''(aa) 50 kilograms of CO_2e per mmBTU, minus

''(bb) the emissions rate for such fuel, divided by

''(II) 50 kilograms of CO_2e per mmBTU.

''(B) ESTABLISHMENT OF EMISSIONS RATE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall annually publish a table which sets forth the emissions rate for similar types and categories of transportation fuels based on the amount of lifecycle greenhouse gas emissions (as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of the enactment of this section) for such fuels, expressed as kilograms of CO_2e per mmBTU, which a taxpayer shall use for purposes of this section.

''(ii) NON-AVIATION FUEL.—In the case of any transportation fuel which is not a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be based on the most recent determinations under the Greenhouse gases, Regulated Emissions, and Energy use in Transportation model developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(iii) AVIATION FUEL.—In the case of any transportation fuel which is a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be determined in accordance with—

''(I) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(II) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

''(C) ROUNDING OF EMISSIONS RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may round the emissions rates under subparagraph (B) to the nearest multiple of 5 kilograms of CO_2e per mmBTU.

''(ii) EXCEPTION.—In the case of an emissions rate that is between 2.5 kilograms of CO_2e per mmBTU and -2.5 kilograms of CO_2e per mmBTU, the Secretary may round such rate to zero.

''(D) PROVISIONAL EMISSIONS RATE.—In the case of any transportation fuel for which an emissions rate has not been established under subparagraph (B), a taxpayer producing such fuel may file a petition with the Secretary for determination of the emissions rate with respect to such fuel.

''(2) ROUNDING.—If any amount determined under paragraph (1)(A) is not a multiple of 0.1, such amount shall be rounded to the nearest multiple of 0.1.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of calendar years beginning after 2024, the 20 cent amount in subsection (a)(2)(A), the $1.00 amount in subsection (a)(2)(B), the 35 cent amount in subsection (a)(3)(A)(i), and the $1.75 amount in subsection (a)(3)(A)(ii) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale of the transportation fuel occurs. If any amount as increased under the preceding sentence is not a multiple of 1 cent, such amount shall be rounded to the nearest multiple of 1 cent.

''(2) INFLATION ADJUSTMENT FACTOR.—For purposes of paragraph (1), the inflation adjustment factor shall be the inflation adjustment factor determined and published by the Secretary pursuant to section 45Y(c), determined by substituting 'calendar year 2022' for 'calendar year 1992' in paragraph (3) thereof.

''(d) DEFINITIONS.—In this section:

''(1) mmBTU.—The term 'mmBTU' means 1,000,000 British thermal units.

''(2) CO_2e.—The term 'CO_2e' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on relative global warming potential).

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given that term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(4) QUALIFIED FACILITY.—The term 'qualified facility'—

''(A) means a facility used for the production of transportation fuels, and

''(B) does not include any facility for which one of the following credits is allowed under section 38 for the taxable year:

''(i) The credit for production of clean hydrogen under section 45V.

''(ii) The credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48 with respect to any specified clean hydrogen production facility for which an election is made under subsection (a)(15) of such section.

''(iii) The credit for carbon oxide sequestration under section 45Q.

''(5) TRANSPORTATION FUEL.—

''(A) IN GENERAL.—The term 'transportation fuel' means a fuel which—

''(i) is suitable for use as a fuel in a highway vehicle or aircraft,

''(ii) has an emissions rate which is not greater than 50 kilograms of CO_2e per mmBTU, and

''(iii) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass.

''(B) DEFINITIONS.—In this paragraph—

''(i) APPLICABLE MATERIAL.—The term 'applicable material' means—

''(I) monoglycerides, diglycerides, and triglycerides,

''(II) free fatty acids, and

''(III) fatty acid esters.

''(ii) BIOMASS.—The term 'biomass' has the same meaning given such term in section 45K(c)(3).

''(e) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section, including calculation of emissions factors for transportation fuel, the table described in subsection (b)(1)(B)(i), and the determination of clean fuel production credits under this section.

''(f) SPECIAL RULES.—

''(1) ONLY REGISTERED PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—No clean fuel production credit shall be determined under subsection (a) with respect to any transportation fuel unless—

''(i) the taxpayer—

''(I) is registered as a producer of clean fuel under section 4101 at the time of production, and

''(II) in the case of any transportation fuel which is a sustainable aviation fuel, provides—

''(aa) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

''(AA) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation

described in subclause (I) of subsection (b)(1)(B)(iii), or

''(BB) in the case of any methodology described in subclause (II) of such subsection, requirements similar to the requirements described in subitem (AA), and

''(bb) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section, and

''(ii) such fuel is produced in the United States.

''(B) UNITED STATES.—For purposes of this paragraph, the term 'United States' includes any possession of the United States.

''(2) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling fuel to an unrelated person if such fuel is sold to such a person by another member of such group.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(5) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—Rules similar to the rules of section 45Y(g)(6) shall apply.

''(6) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), rules similar to the rules of section 45(b)(7) shall apply.

''(B) SPECIAL RULE FOR FACILITIES PLACED IN SERVICE BEFORE JANUARY 1, 2025.—For purposes of subparagraph (A), in the case of any qualified facility placed in service before January 1, 2025—

''(i) clause (i) of section 45(b)(7)(A) shall not apply, and

''(ii) clause (ii) of such section shall be applied by substituting 'with respect to any taxable year beginning after December 31, 2024, for which the credit is allowed under this section' for 'with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2)(A)(ii)'.

''(7) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(g) TERMINATION.—This section shall not apply to transportation fuel sold after December 31, 2027.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 25C(d)(3), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (A), by striking ''and'' at the end,

(B) in subparagraph (B), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(C) transportation fuel (as defined in section 45Z(d)(5)).''.

(2) Section 30C(c)(1)(B), as amended by the preceding provisions of this Act, is amended by adding at the end the following new clause:

''(iv) Any transportation fuel (as defined in section 45Z(d)(5)).''.

(3) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (38), by striking ''plus'' at the end,

(B) in paragraph (39), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(40) the clean fuel production credit determined under section 45Z(a).''.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45Z. Clean fuel production credit.''.

(5) Section 4101(a)(1), as amended by the preceding provisions of this Act, is amended by inserting ''every person producing a fuel eligible for the clean fuel production credit (pursuant to section 45Z),'' after ''section 6426(k)(3)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transportation fuel produced after December 31, 2024.

PART 8—CREDIT MONETIZATION AND APPROPRIATIONS

SEC. 13801. ELECTIVE PAYMENT FOR ENERGY PROPERTY AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by inserting after section 6416 the following new section:

''SEC. 6417. ELECTIVE PAYMENT OF APPLICABLE CREDITS.

''(a) IN GENERAL.—In the case of an applicable entity making an election (at such time and in such manner as the Secretary may provide) under this section with respect to any applicable credit determined with respect to such entity, such entity shall be treated as making a payment against the tax imposed by subtitle A (for the taxable year with respect to which such credit was determined) equal to the amount of such credit.

''(b) APPLICABLE CREDIT.—The term 'applicable credit' means each of the following:

''(1) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

''(2) So much of the renewable electricity production credit determined under section 45(a) as is attributable to qualified facilities which are originally placed in service after December 31, 2022.

''(3) So much of the credit for carbon oxide sequestration determined under section 45Q(a) as is attributable to carbon capture equipment which is originally placed in service after December 31, 2022.

''(4) The zero-emission nuclear power production credit determined under section 45U(a).

''(5) So much of the credit for production of clean hydrogen determined under section 45V(a) as is attributable to qualified clean hydrogen production facilities which are originally placed in service after December 31, 2012.

''(6) In the case of a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A), the credit for qualified commercial vehicles determined under section 45W by reason of subsection (d)(3) thereof.

''(7) The credit for advanced manufacturing production under section 45X(a).

''(8) The clean electricity production credit determined under section 45Y(a).

''(9) The clean fuel production credit determined under section 45Z(a).

''(10) The energy credit determined under section 48.

''(11) The qualifying advanced energy project credit determined under section 48C.

''(12) The clean electricity investment credit determined under section 48E.

''(c) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(1) IN GENERAL.—In the case of any applicable credit determined with respect to any facility or property held directly by a partnership or S corporation, any election under subsection (a) shall be made by such partnership or S corporation. If such partnership or S corporation makes an election under such subsection (in such manner as the Secretary may provide) with respect to such credit—

''(A) the Secretary shall make a payment to such partnership or S corporation equal to the amount of such credit,

''(B) subsection (e) shall be applied with respect to such credit before determining any partner's distributive share, or shareholder's pro rata share, of such credit,

''(C) any amount with respect to which the election in subsection (a) is made shall be treated as tax exempt income for purposes of sections 705 and 1366, and

''(D) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise applicable credit for each taxable year.

''(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any applicable credit determined with respect to such facility or property.

''(3) TREATMENT OF PAYMENTS TO PARTNERSHIPS AND S CORPORATIONS.—For purposes of section 1324 of title 31, United States Code, the payments under paragraph (1)(A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE ENTITY.—

''(A) IN GENERAL.—The term 'applicable entity' means—

''(i) any organization exempt from the tax imposed by subtitle A,

''(ii) any State or political subdivision thereof,

''(iii) the Tennessee Valley Authority,

''(iv) an Indian tribal government (as defined in section 30D(g)(9)),

''(v) any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), or

''(vi) any corporation operating on a cooperative basis which is engaged in furnishing electric energy to persons in rural areas.

''(B) ELECTION WITH RESPECT TO CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has placed in service a qualified clean hydrogen production facility (as defined in section 45V(c)(3)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(5).

''(C) ELECTION WITH RESPECT TO CREDIT FOR CARBON OXIDE SEQUESTRATION.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, placed in service carbon capture equipment at a qualified facility (as defined in section 45Q(d)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(3).

''(D) ELECTION WITH RESPECT TO ADVANCED MANUFACTURING PRODUCTION CREDIT.—

''(i) IN GENERAL.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which

such taxpayer has, after December 31, 2022, produced eligible components (as defined in section 45X(c)(1)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(7).

''(ii) LIMITATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), if a taxpayer makes an election under this subparagraph with respect to any taxable year, such taxpayer shall be treated as having made such election for each of the 4 succeeding taxable years ending before January 1, 2033.

''(II) EXCEPTION.—A taxpayer may elect to revoke the application of the election made under this subparagraph to any taxable year described in subclause (I). Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in subclause (I). Any election under this subclause may not be subsequently revoked.

''(iii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (ii)(I), no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to eligible components for purposes of the credit described in subsection (b)(7).

''(E) OTHER RULES.—

''(i) IN GENERAL.—An election made under subparagraph (B), (C), or (D) shall be made at such time and in such manner as the Secretary may provide.

''(ii) LIMITATION.—No election may be made under subparagraph (B), (C), or (D) with respect to any taxable year beginning after December 31, 2032.

''(2) APPLICATION.—In the case of any applicable entity which makes the election described in subsection (a), any applicable credit shall be determined—

''(A) without regard to paragraphs (3) and (4)(A)(i) of section 50(b), and

''(B) by treating any property with respect to which such credit is determined as used in a trade or business of the applicable entity.

''(3) ELECTIONS.—

''(A) IN GENERAL.—

''(i) DUE DATE.—Any election under subsection (a) shall be made not later than—

''(I) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), such date as is determined appropriate by the Secretary, or

''(II) in any other case, the due date (including extensions of time) for the return of tax for the taxable year for which the election is made, but in no event earlier than 180 days after the date of the enactment of this section.

''(ii) ADDITIONAL RULES.—Any election under subsection (a), once made, shall be irrevocable and shall apply (except as otherwise provided in this paragraph) with respect to any credit for the taxable year for which the election is made.

''(B) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(2), any election under subsection (a) shall—

''(i) apply separately with respect to each qualified facility,

''(ii) be made for the taxable year in which such qualified facility is originally placed in service, and

''(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (a)(2)(A)(ii) of section 45 with respect to such qualified facility.

''(C) CREDIT FOR CARBON OXIDE SEQUESTRATION.—

''(i) IN GENERAL.—In the case of the credit described in subsection (b)(3), any election under subsection (a) shall—

''(I) apply separately with respect to the carbon capture equipment originally placed in service by the applicable entity during a taxable year, and

''(II)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(C), apply to the taxable year in which such equipment is placed in service and the 4 subsequent taxable years with respect to such equipment which end before January 1, 2033, and

''(bb) in any other case, apply to such taxable year and to any subsequent taxable year which is within the period described in paragraph (3)(A) or (4)(A) of section 45Q(a) with respect to such equipment.

''(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(II)(aa) with respect to carbon capture equipment, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).

''(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(C) with respect to carbon capture equipment, such taxpayer may, at any time during the period described in clause (i)(II)(aa), revoke the application of such election with respect to such equipment for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.

''(D) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

''(i) IN GENERAL.—In the case of the credit described in subsection (b)(5), any election under subsection (a) shall—

''(I) apply separately with respect to each qualified clean hydrogen production facility,

''(II) be made for the taxable year in which such facility is placed in service (or within the 1-year period subsequent to the date of enactment of this section in the case of facilities placed in service before December 31, 2022), and

''(III)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(B), apply to such taxable year and the 4 subsequent taxable years with respect to such facility which end before January 1, 2033, and

''(bb) in any other case, apply to such taxable year and all subsequent taxable years with respect to such facility.

''(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(III)(aa) with respect to a qualified clean hydrogen production facility, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such facility for purposes of the credit described in subsection (b)(5).

''(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(B) with respect to a qualified clean hydrogen production facility, such taxpayer may, at any time during the period described in clause (i)(III)(aa), revoke the application of such election with respect to such facility for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.

''(E) CLEAN ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(8), any election under subsection (a) shall—

''(i) apply separately with respect to each qualified facility,

''(ii) be made for the taxable year in which such facility is placed in service, and

''(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (b)(1)(B) of section 45Y with respect to such facility.

''(4) TIMING.—The payment described in subsection (a) shall be treated as made on—

''(A) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), the later of the date that a return would be due under section 6033(a) if such government or subdivision were described in that section or the date on which such government or subdivision submits a claim for credit or refund (at such time and in such manner as the Secretary shall provide), and

''(B) in any other case, the later of the due date (determined without regard to extensions) of the return of tax for the taxable year or the date on which such return is filed.

''(5) ADDITIONAL INFORMATION.—As a condition of, and prior to, any amount being treated as a payment which is made by an applicable entity under subsection (a), the Secretary may require such information or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

''(6) EXCESSIVE PAYMENT.—

''(A) IN GENERAL.—In the case of any amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), which the Secretary determines constitutes an excessive payment, the tax imposed on such entity by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

''(i) the amount of such excessive payment, plus

''(ii) an amount equal to 20 percent of such excessive payment.

''(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the applicable entity demonstrates to the satisfaction of the Secretary that the excessive payment resulted from reasonable cause.

''(C) EXCESSIVE PAYMENT DEFINED.—For purposes of this paragraph, the term 'excessive payment' means, with respect to a facility or property for which an election is made under this section for any taxable year, an amount equal to the excess of—

''(i) the amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), with respect to such facility or property for such taxable year, over

''(ii) the amount of the credit which, without application of this section, would be otherwise allowable (as determined pursuant to paragraph (2) and without regard to section 38(c)) under this title with respect to such facility or property for such taxable year.

''(e) DENIAL OF DOUBLE BENEFIT.—In the case of an applicable entity making an election under this section with respect to an applicable credit, such credit shall be reduced to zero and shall, for any other purposes under this title, be deemed to have been allowed to such entity for such taxable year.

''(f) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in

section 24(k)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

''(g) BASIS REDUCTION AND RECAPTURE.—Except as otherwise provided in subsection (c)(2)(A), rules similar to the rules of section 50 shall apply for purposes of this section.

''(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including guidance to ensure that the amount of the payment or deemed payment made under this section is commensurate with the amount of the credit that would be otherwise allowable (determined without regard to section 38(c)).''.

(b) TRANSFER OF CERTAIN CREDITS.—Subchapter B of chapter 65, as amended by subsection (a), is amended by inserting after section 6417 the following new section:

''SEC. 6418. TRANSFER OF CERTAIN CREDITS.

''(a) IN GENERAL.—In the case of an eligible taxpayer which elects to transfer all (or any portion specified in the election) of an eligible credit determined with respect to such taxpayer for any taxable year to a taxpayer (referred to in this section as the 'transferee taxpayer') which is not related (within the meaning of section 267(b) or 707(b)(1)) to the eligible taxpayer, the transferee taxpayer specified in such election (and not the eligible taxpayer) shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

''(b) TREATMENT OF PAYMENTS MADE IN CONNECTION WITH TRANSFER.—With respect to any amount paid by a transferee taxpayer to an eligible taxpayer as consideration for a transfer described in subsection (a), such consideration—

''(1) shall be required to be paid in cash,

''(2) shall not be includible in gross income of the eligible taxpayer, and

''(3) with respect to the transferee taxpayer, shall not be deductible under this title.

''(c) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(1) IN GENERAL.—In the case of any eligible credit determined with respect to any facility or property held directly by a partnership or S corporation, if such partnership or S corporation makes an election under subsection (a) (in such manner as the Secretary may provide) with respect to such credit—

''(A) any amount received as consideration for a transfer described in such subsection shall be treated as tax exempt income for purposes of sections 705 and 1366, and

''(B) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise eligible credit for each taxable year.

''(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any eligible credit determined with respect to such facility or property.

''(d) TAXABLE YEAR IN WHICH CREDIT TAKEN INTO ACCOUNT.—In the case of any credit (or portion thereof) with respect to which an election is made under subsection (a), such credit shall be taken into account in the first taxable year of the transferee taxpayer ending with, or after, the taxable year of the eligible taxpayer with respect to which the credit was determined.

''(e) LIMITATIONS ON ELECTION.—

''(1) TIME FOR ELECTION.—An election under subsection (a) to transfer any portion of an eligible credit shall be made not later than the due date (including extensions of time) for the return of tax for the taxable year for which the credit is determined, but in no event earlier than 180 days after the date of the enactment of this section. Any such election, once made, shall be irrevocable.

''(2) NO ADDITIONAL TRANSFERS.—No election may be made under subsection (a) by a transferee taxpayer with respect to any portion of an eligible credit which has been previously transferred to such taxpayer pursuant to this section.

''(f) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE CREDIT.—

''(A) IN GENERAL.—The term 'eligible credit' means each of the following:

''(i) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

''(ii) The renewable electricity production credit determined under section 45(a).

''(iii) The credit for carbon oxide sequestration determined under section 45Q(a).

''(iv) The zero-emission nuclear power production credit determined under section 45U(a).

''(v) The clean hydrogen production credit determined under section 45V(a).

''(vi) The advanced manufacturing production credit determined under section 45X(a).

''(vii) The clean electricity production credit determined under section 45Y(a).

''(viii) The clean fuel production credit determined under section 45Z(a).

''(ix) The energy credit determined under section 48.

''(x) The qualifying advanced energy project credit determined under section 48C.

''(xi) The clean electricity investment credit determined under section 48E.

''(B) ELECTION FOR CERTAIN CREDITS.—In the case of any eligible credit described in clause (ii), (iii), (v), or (vii) of subparagraph (A), an election under subsection (a) shall be made—

''(i) separately with respect to each facility for which such credit is determined, and

''(ii) for each taxable year during the 10-year period beginning on the date such facility was originally placed in service (or, in the case of the credit described in clause (iii), for each year during the 12-year period beginning on the date the carbon capture equipment was originally placed in service at such facility).

''(C) EXCEPTION FOR BUSINESS CREDIT CARRYFORWARDS OR CARRYBACKS.—The term 'eligible credit' shall not include any business credit carryforward or business credit carryback determined under section 39.

''(2) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer which is not described in section 6417(d)(1)(A).

''(g) SPECIAL RULES.—For purposes of this section—

''(1) ADDITIONAL INFORMATION.—As a condition of, and prior to, any transfer of any portion of an eligible credit pursuant to subsection (a), the Secretary may require such information (including, in such form or manner as is determined appropriate by the Secretary, such information returns) or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

''(2) EXCESSIVE CREDIT TRANSFER.—

''(A) IN GENERAL.—In the case of any portion of an eligible credit which is transferred to a transferee taxpayer pursuant to subsection (a) which the Secretary determines constitutes an excessive credit transfer, the tax imposed on the transferee taxpayer by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

''(i) the amount of such excessive credit transfer, plus

''(ii) an amount equal to 20 percent of such excessive credit transfer.

''(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the transferee taxpayer demonstrates to the satisfaction of the Secretary that the excessive credit transfer resulted from reasonable cause.

''(C) EXCESSIVE CREDIT TRANSFER DEFINED.—For purposes of this paragraph, the term 'excessive credit transfer' means, with respect to a facility or property for which an election is made under subsection (a) for any taxable year, an amount equal to the excess of—

''(i) the amount of the eligible credit claimed by the transferee taxpayer with respect to such facility or property for such taxable year, over

''(ii) the amount of such credit which, without application of this section, would be otherwise allowable under this title with respect to such facility or property for such taxable year.

''(3) BASIS REDUCTION; NOTIFICATION OF RECAPTURE.—In the case of any election under subsection (a) with respect to any portion of an eligible credit described in clauses (ix) through (xi) of subsection (f)(1)(A)—

''(A) subsection (c) of section 50 shall apply to the applicable investment credit property (as defined in subsection (a)(5) of such section) as if such eligible credit was allowed to the eligible taxpayer, and

''(B) if, during any taxable year, the applicable investment credit property (as defined in subsection (a)(5) of section 50) is disposed of, or otherwise ceases to be investment credit property with respect to the eligible taxpayer, before the close of the recapture period (as described in subsection (a)(1) of such section)—

''(i) such eligible taxpayer shall provide notice of such occurrence to the transferee taxpayer (in such form and manner as the Secretary shall prescribe), and

''(ii) the transferee taxpayer shall provide notice of the recapture amount (as defined in subsection (c)(2) of such section), if any, to the eligible taxpayer (in such form and manner as the Secretary shall prescribe).

''(4) PROHIBITION ON ELECTION OR TRANSFER WITH RESPECT TO PROGRESS EXPENDITURES.—This section shall not apply with respect to any amount of an eligible credit which is allowed pursuant to rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

''(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including regulations or other guidance providing rules for determining a partner's distributive share of the tax exempt income described in subsection (c)(1).''.

(c) REAL ESTATE INVESTMENT TRUSTS.—Section 50(d) is amended by adding at the end the following: ''In the case of a real estate investment trust making an election under section 6418, paragraphs (1)(B) and (2)(B) of the section 46(e) referred to in paragraph (1) of this subsection shall not apply to any investment credit property of such real estate investment trust to which such election applies.''.

(d) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Section 39(a) is amended by adding at the end the following:

''(4) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Notwithstanding subsection (d), in

the case of any applicable credit (as defined in section 6417(b))—

''(A) this section shall be applied separately from the business credit (other than the applicable credit),

''(B) paragraph (1) shall be applied by substituting 'each of the 3 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '23 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '22 taxable years' for '20 taxable years' in subparagraph (B) thereof.''.

(e) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6416 the following new items:

''Sec. 6417. Elective payment of applicable credits.

''Sec. 6418. Transfer of certain credits.''.

(f) GROSS-UP OF DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any payment made to a taxpayer pursuant to an election under section 6417 of the Internal Revenue Code of 1986, or any amount treated as a payment which is made by the taxpayer under subsection (a) of such section, that is direct spending shall be increased by 6.0445 percent.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13802. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000 to remain available until September 30, 2031, for necessary expenses for the Internal Revenue Service to carry out this subtitle (and the amendments made by this subtitle), which shall supplement and not supplant any other appropriations that may be available for this purpose.

PART 9—OTHER PROVISIONS

SEC. 13901. PERMANENT EXTENSION OF TAX RATE TO FUND BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121 is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date of the enactment of this Act.

SEC. 13902. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ''AMOUNT.—The amount'' and inserting ''AMOUNT.—

''(I) IN GENERAL.—The amount'', and

(2) by adding at the end the following new subclause:

''(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.''.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ''for a taxable year, there shall be allowed'' and inserting ''for a taxable year—

''(A) there shall be allowed'',

(B) by striking ''equal to the'' and inserting ''equal to so much of the'',

(C) by striking the period at the end and inserting ''as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and'', and

(D) by adding at the end the following new subparagraph:

''(B) there shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).''.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'', and

(B) by inserting '', and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,'' after ''calendar quarter''.

(3) CARRYOVER.—Paragraph (3) of section 3111(f) is amended by striking ''the credit'' and inserting ''any credit''.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ''credit'' and inserting ''credits'', and

(B) by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''.

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ''the $250,000 amount'' and inserting ''each of the $250,000 amounts''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13903. TAX TREATMENT OF CERTAIN ASSISTANCE TO FARMERS, ETC.

For purposes of the Internal Revenue Code of 1986, in the case of any payment described in section 1006(e) of the American Rescue Plan Act of 2021 (as amended by section 22007 of this Act) or section 22006 of this Act—

(1) such payment shall not be included in the gross income of the person on whose behalf, or to whom, such payment is made,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of a partnership or S corporation on whose behalf, or to whom, such a payment is made—

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of such Code, and

(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), any increase in the adjusted basis of a partner's interest in a partnership under section 705 of such Code with respect to any amount described in subparagraph (A) shall equal the partner's distributive share of deductions resulting from interest that is part of such payment and the partner's share, as determined under section 752 of such Code, of principal that is part of such payment.

TITLE II—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Subtitle A—General Provisions

SEC. 20001. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of Agriculture.

Subtitle B—Conservation

SEC. 21001. ADDITIONAL AGRICULTURAL CONSERVATION INVESTMENTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the environmental quality incentives program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa through 3839aa–8)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $1,750,000,000 for fiscal year 2024;

(iii) $3,000,000,000 for fiscal year 2025; and

(iv) $3,450,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1240B(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(f)(1)) shall not apply;

(ii) section 1240H(c)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(c)(2)) shall be applied—

(I) by substituting ''$50,000,000'' for ''$25,000,000''; and

(II) with the Secretary prioritizing proposals that utilize diet and feed management to reduce enteric methane emissions from ruminants; and

(iii) the funds shall be available for 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under subchapter B of that chapter (16 U.S.C. 3839aa–21 through 3839aa–25)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $500,000,000 for fiscal year 2024;

(iii) $1,000,000,000 for fiscal year 2025; and

(iv) $1,500,000,000 for fiscal year 2026; and

(B) subject to the condition on the use of the funds that the funds shall only be available for 1 or more agricultural conservation practices, enhancements, or bundles that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(3) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the agricultural conservation easement program under subtitle H of title XII of that Act (16 U.S.C. 3865 through 3865d) for easements or interests in land that will most reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions associated with land eligible for the program—

(A) $100,000,000 for fiscal year 2023;

(B) $200,000,000 for fiscal year 2024;

(C) $500,000,000 for fiscal year 2025; and

(D) $600,000,000 for fiscal year 2026; and

(4) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the regional conservation partnership program under subtitle I of title XII of that Act (16 U.S.C. 3871 through 3871f)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $800,000,000 for fiscal year 2024;

(iii) $1,500,000,000 for fiscal year 2025; and

(iv) $2,400,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1271C(d)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)(2)(B)) shall not apply; and

(ii) the Secretary shall prioritize partnership agreements under section 1271C(d) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)) that support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding, or sequestering carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production.

(b) CONDITIONS.—The funds made available under subsection (a) are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.

(c) CONFORMING AMENDMENTS.—

(1) Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(A) in subsection (a), by striking ''2023'' and inserting ''2031''; and

(B) in subsection (f)(2)(B)—

(i) in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' and inserting ''2031''.

(2) Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended by striking ''2023'' each place it appears and inserting ''2031''.

(3) Section 1240J(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–22(a)) is amended, in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031''.

(4) Section 1240L(h)(2)(A) of the Food Security Act of 1985 (16 U.S.C. 3839aa–24(h)(2)(A)) is amended by striking ''2023'' and inserting ''2031''.

(5) Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031'';

(ii) in paragraph (2)(F), by striking ''2023'' and inserting ''2031''; and

(iii) in paragraph (3), by striking ''fiscal year 2023'' each place it appears and inserting ''each of fiscal years 2023 through 2031'';

(B) in subsection (b), by striking ''2023'' and inserting ''2031''; and

(C) in subsection (h)—

(i) in paragraph (1)(B), in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' each place it appears and inserting ''2031''.

(6) Section 1244(n)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3844(n)(3)(A)) is amended by striking ''2023'' and inserting ''2031''.

(7) Section 1271D(a) of the Food Security Act of 1985 (16 U.S.C. 3871d(a)) is amended by striking ''2023'' and inserting ''2031''.

SEC. 21002. CONSERVATION TECHNICAL ASSISTANCE.

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) $1,000,000,000 to provide conservation technical assistance through the Natural Resources Conservation Service; and

(2) $300,000,000 to carry out a program to quantify carbon sequestration and carbon dioxide, methane, and nitrous oxide emissions, through which the Natural Resources Conservation Service shall collect field-based data to assess the carbon sequestration and reduction in carbon dioxide, methane, and nitrous oxide emissions outcomes associated with activities carried out pursuant to this section and use the data to monitor and track those carbon sequestration and emissions trends through the Greenhouse Gas Inventory and Assessment Program of the Department of Agriculture.

(b) CONDITIONS.—The funds made available under this section are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031;

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section; or

(3) interpret this section to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(c) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2028, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this section.

Subtitle C—Rural Development and Agricultural Credit

SEC. 22001. ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended by adding at the end the following:

''(h) ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.—

''(1) APPROPRIATIONS.—Notwithstanding subsections (a) through (e), and (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, for the cost of loans under section 317 of the Rural Electrification Act of 1936 (7 U.S.C. 940g), including for projects that store electricity that support the types of eligible projects under that section, which shall be forgiven in an amount that is not greater than 50 percent of the loan based on how the borrower and the project meets the terms and conditions for loan forgiveness consistent with the purposes of that section established by the Secretary, except as provided in paragraph (3).

''(2) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant this subsection that could result in disbursements after September 30, 2031.

''(3) EXCEPTION.—The Secretary shall establish criteria for waiving the 50 percent limitation described in paragraph (1).''.

SEC. 22002. RURAL ENERGY FOR AMERICA PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, for eligible projects under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), and notwithstanding section 9007(c)(3)(A) of that Act, the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds—

(1) $820,250,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $180,276,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(b) UNDERUTILIZED RENEWABLE ENERGY TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to provide grants and loans guaranteed by the Secretary (including the costs of such loans) under the program described in subsection (a) relating to underutilized renewable energy technologies, and to provide technical assistance for applying to the program described in subsection (a), including for underutilized renewable energy technologies, notwithstanding section 9007(c)(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)(3)(A)), the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds, and to the extent the following amounts remain available at the end of each fiscal year, the Secretary shall use such amounts in accordance with subsection (a)—

(1) $144,750,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $31,813,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(c) LIMITATION.—The Secretary shall not enter into, pursuant to this section—

(1) any loan agreement that may result in a disbursement after September 30, 2031; or

(2) any grant agreement that may result in any outlay after September 30, 2031.

SEC. 22003. BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) (as amended by section 22001) is amended by adding at the end the following:

''(i) BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.—

''(1) APPROPRIATION.—Notwithstanding subsections (a) through (e) and subsection (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, to carry out this subsection.

''(2) USE OF FUNDS.—The Secretary shall use the amounts made available by paragraph (1) to provide grants, for which the Federal share shall be not more than 75 percent of the total cost of carrying out a project for which the grant is provided, on a competitive basis, to increase the sale and use of agricultural commodity-based fuels through infrastructure improvements for blending, storing, supplying, or distributing biofuels, except for transportation infrastructure not on location where such biofuels are blended, stored, supplied, or distributed—

''(A) by installing, retrofitting, or otherwise upgrading fuel dispensers or pumps and related equipment, storage tank system components, and other infrastructure required at a location related to dispensing certain biofuel blends to ensure the increased sales of fuels with high levels of commodity-based ethanol and biodiesel that are at or greater than the levels required in the Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program for Fiscal Year 2020, published in the Federal Register (85 Fed. Reg. 26656), as determined by the Secretary; and

''(B) by building and retrofitting home heating oil distribution centers or equivalent entities and distribution systems for ethanol and biodiesel blends.''.

SEC. 22004. USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) (as amended by section 22003) is amended by adding at the end the following:

''(j) USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.—

''(1) APPROPRIATION.—Notwithstanding subsections (a) through (e) and (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not

otherwise appropriated, $9,700,000,000, to remain available until September 30, 2031, for the long-term resiliency, reliability, and affordability of rural electric systems by providing to an eligible entity (defined as an electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986 and is or has been a Rural Utilities Service electric loan borrower pursuant to the Rural Electrification Act of 1936 or serving a predominantly rural area or a wholly or jointly owned subsidiary of such electric cooperative) loans, modifications of loans, the cost of loans and modifications, and other financial assistance to achieve the greatest reduction in carbon dioxide, methane, and nitrous oxide emissions associated with rural electric systems through the purchase of renewable energy, renewable energy systems, and zero-emission systems, to deploy such systems, or to make energy efficiency improvements to electric generation and transmission systems of the eligible entity after the date of enactment of this subsection.

''(2) LIMITATION.—No eligible entity may receive an amount equal to more than 10 percent of the total amount made available by this subsection.

''(3) REQUIREMENT.—The amount of a grant under this subsection shall be not more than 25 percent of the total project costs of the eligible entity carrying out a project using a grant under this subsection.

''(4) PROHIBITION.—Nothing in this subsection shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this subsection if such funds are not expressly authorized or currently expended for such purposes.

''(5) DISBURSEMENTS.—The Secretary shall not enter into, pursuant to this subsection—

''(A) any loan agreement that may result in a disbursement after September 30, 2031; or

''(B) any grant agreement that may result in any outlay after September 30, 2031.''.

SEC. 22005. ADDITIONAL USDA RURAL DEVELOPMENT ADMINISTRATIVE FUNDS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for administrative costs and salaries and expenses for the Rural Development mission area and administrative costs of the agencies and offices of the Department for costs related to implementing this subtitle.

SEC. 22006. FARM LOAN IMMEDIATE RELIEF FOR BORROWERS WITH AT-RISK AGRICULTURAL OPERATIONS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $3,100,000,000, to remain available until September 30, 2031, to provide payments to, for the cost of loans or loan modifications for, or to carry out section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)) with respect to distressed borrowers of direct or guaranteed loans administered by the Farm Service Agency under subtitle A, B, or C of that Act (7 U.S.C. 1922 through 1970). In carrying out this section, the Secretary shall provide relief to those borrowers whose agricultural operations are at financial risk as expeditiously as possible, as determined by the Secretary.

SEC. 22007. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, AND FORESTERS.

Section 1006 of the American Rescue Plan Act of 2021 (7 U.S.C. 2279 note; Public Law 117–2) is amended to read as follows:

''SEC. 1006. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, FORESTERS.

''(a) TECHNICAL AND OTHER ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $125,000,000 to provide outreach, mediation, financial training, capacity building training, cooperative development and agricultural credit training and support, and other technical assistance on issues concerning food, agriculture, agricultural credit, agricultural extension, rural development, or nutrition to underserved farmers, ranchers, or forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.

''(b) LAND LOSS ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $250,000,000 to provide grants and loans to eligible entities, as determined by the Secretary, to improve land access (including heirs' property and fractionated land issues) for underserved farmers, ranchers, and forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.

''(c) EQUITY COMMISSIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $10,000,000 to fund the activities of one or more equity commissions that will address racial equity issues within the Department of Agriculture and the programs of the Department of Agriculture.

''(d) RESEARCH, EDUCATION, AND EXTENSION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $250,000,000 to support and supplement agricultural research, education, and extension, as well as scholarships and programs that provide internships and pathways to agricultural sector or Federal employment, for 1890 Institutions (as defined in section 2 of the Agricultural, Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)), 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)), Alaska Native serving institutions and Native Hawaiian serving institutions eligible to receive grants under subsections (a) and (b), respectively, of section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156), Hispanic-serving institutions eligible to receive grants under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241), and the insular area institutions of higher education located in the territories of the United States, as referred to in section 1489 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361).

''(e) DISCRIMINATION FINANCIAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $2,200,000,000 for a program to provide financial assistance, including the cost of any financial assistance, to farmers, ranchers, or forest landowners determined to have experienced discrimination prior to January 1, 2021, in Department of Agriculture farm lending programs, under which the amount of financial assistance provided to a recipient may be not more than $500,000, as determined to be appropriate based on any consequences experienced from the discrimination, which program shall be administered through 1 or more qualified nongovernmental entities selected by the Secretary subject to standards set and enforced by the Secretary.

''(f) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $24,000,000 for administrative costs, including training employees, of the agencies and offices of the Department of Agriculture to carry out this section.

''(g) LIMITATION.—The funds made available under this section are subject to the condition that the Secretary shall not—

''(1) enter into any agreement under which any payment could be outlaid or funds disbursed after September 30, 2031; or

''(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.''.

SEC. 22008. REPEAL OF FARM LOAN ASSISTANCE.

Section 1005 of the American Rescue Plan Act of 2021 (7 U.S.C. 1921 note; Public Law 117–2) is repealed.

Subtitle D—Forestry

SEC. 23001. NATIONAL FOREST SYSTEM RESTORATION AND FUELS REDUCTION PROJECTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $1,800,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface;

(2) $200,000,000 for vegetation management projects on National Forest System land carried out in accordance with a plan developed under section 303(d)(1) or 304(a)(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542(d)(1) or 6543(a)(3));

(3) $100,000,000 to provide for environmental reviews by the Chief of the Forest Service in satisfying the obligations of the Chief of the Forest Service under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 through 4370m–12); and

(4) $50,000,000 for the protection of old-growth forests on National Forest System land and to complete an inventory of old-growth forests and mature forests within the National Forest System.

(b) RESTRICTIONS.—None of the funds made available by paragraph (1) or (2) of subsection (a) may be used for any activity—

(1) conducted in a wilderness area or wilderness study area;

(2) that includes the construction of a permanent road or motorized trail;

(3) that includes the construction of a temporary road, except in the case of a temporary road that is decommissioned by the Secretary not later than 3 years after the earlier of—

(A) the date on which the temporary road is no longer needed; and

(B) the date on which the project for which the temporary road was constructed is completed;

(4) inconsistent with the applicable land management plan;

(5) inconsistent with the prohibitions of the rule of the Forest Service entitled ''Special Areas; Roadless Area Conservation'' (66 Fed. Reg. 3244 (January 12, 2001)), as modified by subparts C and D of part 294 of title 36, Code of Federal Regulations; or

(6) carried out on any land that is not National Forest System land, including other forested land on Federal, State, Tribal, or private land.

(c) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(d) COST-SHARING WAIVER.—

(1) IN GENERAL.—The non-Federal cost-share requirement of a project described in paragraph (2) may be waived at the discretion of the Secretary.

(2) PROJECT DESCRIBED.—A project referred to in paragraph (1) is a project that—

(A) is carried out using funds made available under this section;

(B) requires a partnership agreement, including a cooperative agreement or mutual interest agreement; and

(C) is subject to a non-Federal cost-share requirement.

(e) DEFINITIONS.—In this section:

(1) DECOMMISSION.—The term ''decommission'' means, with respect to a road—

(A) reestablishing native vegetation on the road;

(B) restoring any natural drainage, watershed function, or other ecological processes that were disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism and reestablishing stable slope contours; and

(C) effectively blocking the road to vehicular traffic, where feasible.

(2) ECOLOGICAL INTEGRITY.—The term ''ecological integrity'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means an activity, including the use of prescribed fire, to protect structures and communities from wildfire that is carried out on National Forest System land.

(4) RESTORATION.—The term ''restoration'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) VEGETATION MANAGEMENT PROJECT.—The term ''vegetation management project'' means an activity carried out on National Forest System land to enhance the ecological integrity and achieve the restoration of a forest ecosystem through the removal of vegetation, the use of prescribed fire, the restoration of aquatic habitat, or the decommissioning of an unauthorized, temporary, or system road.

(6) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 23002. COMPETITIVE GRANTS FOR NON-FEDERAL FOREST LANDOWNERS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program a cost share to carry out climate mitigation or forest resilience practices in the case of underserved forest landowners, subject to the condition that subsection (h) of that section shall not apply;

(2) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(3) $100,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of forest landowners who own less than 2,500 acres of forest land in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(4) $50,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) to provide grants to states and other eligible entities to provide payments to owners of private forest land for implementation of forestry practices on private forest land, that are determined by the Secretary, based on the best available science, to provide measurable increases in carbon sequestration and storage beyond customary practices on comparable land, subject to the conditions that—

(A) those payments shall not preclude landowners from participation in other public and private sector financial incentive programs; and

(B) subsection (h) of that section shall not apply; and

(5) $100,000,000 to provide grants under the wood innovation grant program under section 8643 of the Agriculture Improvement Act of 2018 (7 U.S.C. 7655d), including for the construction of new facilities that advance the purposes of the program and for the hauling of material removed to reduce hazardous fuels to locations where that material can be utilized, subject to the conditions that—

(A) the amount of such a grant shall be not more than $5,000,000; and

(B) notwithstanding subsection (d) of that section, a recipient of such a grant shall provide funds equal to not less than 50 percent of the amount received under the grant, to be derived from non-Federal sources.

(b) COST-SHARING REQUIREMENT.—Any partnership agreements, including cooperative agreements and mutual interest agreements, using funds made available under this section shall be subject to a non-Federal cost-share requirement of not less than 20 percent of the project cost, which may be waived at the discretion of the Secretary.

(c) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

SEC. 23003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $700,000,000 to provide competitive grants to States through the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) for projects for the acquisition of land and interests in land; and

(2) $1,500,000,000 to provide multiyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, an agency or governmental entity of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities.

(b) WAIVER.—Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

SEC. 23004. LIMITATION.

The funds made available under this subtitle are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this subtitle.

SEC. 23005. ADMINISTRATIVE COSTS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000 to remain available until September 30, 2031, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this subtitle.

TITLE III—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 30001. ENHANCED USE OF DEFENSE PRODUCTION ACT OF 1950.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2024, to carry out the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.).

SEC. 30002. IMPROVING ENERGY EFFICIENCY OR WATER EFFICIENCY OR CLIMATE RESILIENCE OF AFFORDABLE HOUSING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $837,500,000, to remain available until September 30, 2028, for the cost of providing direct loans, the costs of modifying such loans, and for grants, as provided for and subject to terms and conditions in subsection (b), including to subsidize gross obligations for the principal amount of such loans, not to exceed $4,000,000,000, to fund projects that improve energy or water efficiency, enhance indoor air quality or sustainability, implement the use of zero-emission electricity generation, low-emission building materials or processes, energy storage, or building electrification strategies, or address climate resilience, of an eligible property;

(2) $60,000,000, to remain available until September 30, 2030, for the costs to the Secretary for information technology, research and evaluation, and administering and overseeing the implementation of this section;

(3) $60,000,000, to remain available until September 30, 2029, for expenses of contracts

or cooperative agreements administered by the Secretary; and

(4) $42,500,000, to remain available until September 30, 2028, for energy and water benchmarking of properties eligible to receive grants or loans under this section, regardless of whether they actually received such grants or loans, along with associated data analysis and evaluation at the property and portfolio level, and the development of information technology systems necessary for the collection, evaluation, and analysis of such data.

(b) LOAN AND GRANT TERMS AND CONDITIONS.—Amounts made available under this section shall be for direct loans, grants, and direct loans that can be converted to grants to eligible recipients that agree to an extended period of affordability for the property.

(c) DEFINITIONS.—As used in this section—

(1) the term ''eligible recipient'' means any owner or sponsor of an eligible property; and

(2) the term ''eligible property'' means a property assisted pursuant to—

(A) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(B) section 202 of the Housing Act of 1959 (former 12 U.S.C. 1701q), as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act;

(C) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(D) section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b));

(E) section 236 of the National Housing Act (12 U.S.C. 1715z–1); or

(F) a Housing Assistance Payments contract for Project-Based Rental Assistance in fiscal year 2021.

(d) WAIVER.—The Secretary may waive or specify alternative requirements for any provision of subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(e) IMPLEMENTATION.—The Secretary shall have the authority to establish by notice any requirements that the Secretary determines are necessary for timely and effective implementation of the program and expenditure of funds appropriated, which requirements shall take effect upon issuance.

TITLE IV—COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 40001. INVESTING IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,600,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats, resources, Pacific salmon and other marine fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, marine fishery and marine mammal stock assessments, and for related administrative expenses.

(b) TRIBAL GOVERNMENT DEFINED.—In this section, the term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

SEC. 40002. FACILITIES OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL MARINE SANCTUARIES.

(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, for the construction of new facilities, facilities in need of replacement, piers, marine operations facilities, and fisheries laboratories.

(b) NATIONAL MARINE SANCTUARIES FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, for the construction of facilities to support the National Marine Sanctuary System established under subsection (c) of section 301 of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)).

SEC. 40003. NOAA EFFICIENT AND EFFECTIVE REVIEWS.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to conduct more efficient, accurate, and timely reviews for planning, permitting and approval processes through the hiring and training of personnel, and the purchase of technical and scientific services and new equipment, and to improve agency transparency, accountability, and public engagement.

SEC. 40004. OCEANIC AND ATMOSPHERIC RESEARCH AND FORECASTING FOR WEATHER AND CLIMATE.

(a) FORECASTING AND RESEARCH.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to accelerate advances and improvements in research, observation systems, modeling, forecasting, assessments, and dissemination of information to the public as it pertains to ocean and atmospheric processes related to weather, coasts, oceans, and climate, and to carry out section 102(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(a)), and for related administrative expenses.

(b) RESEARCH GRANTS AND SCIENCE INFORMATION, PRODUCTS, AND SERVICES.—In addition to amounts otherwise available, there are appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026, $50,000,000 for competitive grants to fund climate research as it relates to weather, ocean, coastal, and atmospheric processes and conditions, and impacts to marine species and coastal habitat, and for related administrative expenses.

SEC. 40005. COMPUTING CAPACITY AND RESEARCH FOR WEATHER, OCEANS, AND CLIMATE.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $190,000,000, to remain available until September 30, 2026, for the procurement of additional high-performance computing, data processing capacity, data management, and storage assets, to carry out section 204(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(2)), and for transaction agreements authorized under section 301(d)(1)(A) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(d)(1)(A)), and for related administrative expenses.

SEC. 40006. ACQUISITION OF HURRICANE FORECASTING AIRCRAFT.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the acquisition of hurricane hunter aircraft under section 413(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8549(a)).

SEC. 40007. ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM.

(a) APPROPRIATION AND ESTABLISHMENT.—For purposes of establishing a competitive grant program for eligible entities to carry out projects located in the United States that produce, transport, blend, or store sustainable aviation fuel, or develop, demonstrate, or apply low-emission aviation technologies, in addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—

(1) $244,530,000 for projects relating to the production, transportation, blending, or storage of sustainable aviation fuel;

(2) $46,530,000 for projects relating to low-emission aviation technologies; and

(3) $5,940,000 to fund the award of grants under this section, and oversight of the program, by the Secretary.

(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall consider, with respect to a proposed project—

(1) the capacity for the eligible entity to increase the domestic production and deployment of sustainable aviation fuel or the use of low-emission aviation technologies among the United States commercial aviation and aerospace industry;

(2) the projected greenhouse gas emissions from such project, including emissions resulting from the development of the project, and the potential the project has to reduce or displace, on a lifecycle basis, United States greenhouse gas emissions associated with air travel;

(3) the capacity to create new jobs and develop supply chain partnerships in the United States;

(4) for projects related to the production of sustainable aviation fuel, the projected lifecycle greenhouse gas emissions benefits from the proposed project, which shall include feedstock and fuel production and potential direct and indirect greenhouse gas emissions (including resulting from changes in land use); and

(5) the benefits of ensuring a diversity of feedstocks for sustainable aviation fuel, including the use of waste carbon oxides and direct air capture.

(c) COST SHARE.—The Federal share of the cost of a project carried out using grant

funds under subsection (a) shall be 75 percent of the total proposed cost of the project, except that such Federal share shall increase to 90 percent of the total proposed cost of the project if the eligible entity is a small hub airport or nonhub airport, as such terms are defined in section 47102 of title 49, United States Code.

(d) FUEL EMISSIONS REDUCTION TEST.—For purposes of clause (ii) of subsection (e)(7)(E), the Secretary shall, not later than 2 years after the date of enactment of this section, adopt at least 1 methodology for testing lifecycle greenhouse gas emissions that meets the requirements of such clause.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State or local government, including the District of Columbia, other than an airport sponsor;

(B) an air carrier;

(C) an airport sponsor;

(D) an accredited institution of higher education;

(E) a research institution;

(F) a person or entity engaged in the production, transportation, blending, or storage of sustainable aviation fuel in the United States or feedstocks in the United States that could be used to produce sustainable aviation fuel;

(G) a person or entity engaged in the development, demonstration, or application of low-emission aviation technologies; or

(H) nonprofit entities or nonprofit consortia with experience in sustainable aviation fuels, low-emission aviation technologies, or other clean transportation research programs.

(2) FEEDSTOCK.—The term ''feedstock'' means sources of hydrogen and carbon not originating from unrefined or refined petrochemicals.

(3) INDUCED LAND-USE CHANGE VALUES.—The term ''induced land-use change values'' means the greenhouse gas emissions resulting from the conversion of land to the production of feedstocks and from the conversion of other land due to the displacement of crops or animals for which the original land was previously used.

(4) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term ''lifecycle greenhouse gas emissions'' means the combined greenhouse gas emissions from feedstock production, collection of feedstock, transportation of feedstock to fuel production facilities, conversion of feedstock to fuel, transportation and distribution of fuel, and fuel combustion in an aircraft engine, as well as from induced land-use change values.

(5) LOW-EMISSION AVIATION TECHNOLOGIES.—The term ''low-emission aviation technologies'' means technologies, produced in the United States, that significantly—

(A) improve aircraft fuel efficiency;

(B) increase utilization of sustainable aviation fuel; or

(C) reduce greenhouse gas emissions produced during operation of civil aircraft.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(7) SUSTAINABLE AVIATION FUEL.—The term ''sustainable aviation fuel'' means liquid fuel, produced in the United States, that—

(A) consists of synthesized hydrocarbons;

(B) meets the requirements of—

(i) ASTM International Standard D7566; or

(ii) the co-processing provisions of ASTM International Standard D1655, Annex A1 (or such successor standard);

(C) is derived from biomass (in a similar manner as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon oxides;

(D) is not derived from palm fatty acid distillates; and

(E) achieves at least a 50 percent lifecycle greenhouse gas emissions reduction in comparison with petroleum-based jet fuel, as determined by a test that shows—

(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle emissions and the induced land-use change values under a lifecycle methodology for sustainable aviation fuels similar to that adopted by the International Civil Aviation Organization with the agreement of the United States; or

(ii) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle greenhouse gas emissions values and the induced land-use change values under another methodology that the Secretary determines is—

(I) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

(II) as stringent as the requirement under clause (i).

TITLE V—COMMITTEE ON ENERGY AND NATURAL RESOURCES

Subtitle A—Energy

PART 1—GENERAL PROVISIONS

SEC. 50111. DEFINITIONS.

In this subtitle:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' has the meaning given the term in section 1610(a) of the Energy Policy Act of 1992 (42 U.S.C. 13389(a)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) STATE.—The term ''State'' means a State, the District of Columbia, and a United States Insular Area (as that term is defined in section 50211).

(4) STATE ENERGY OFFICE.—The term ''State energy office'' has the meaning given the term in section 124(a) of the Energy Policy Act of 2005 (42 U.S.C. 15821(a)).

(5) STATE ENERGY PROGRAM.—The term ''State Energy Program'' means the State Energy Program established pursuant to part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326).

PART 2—RESIDENTIAL EFFICIENCY AND ELECTRIFICATION REBATES

SEC. 50121. HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,300,000,000, to remain available through September 30, 2031, to carry out a program to award grants to State energy offices to develop and implement a HOMES rebate program.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall reserve funds made available under paragraph (1) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a HOMES rebate program using a grant received under this section in proportion to the amount distributed to those State energy offices under subparagraph (A)(ii).

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office seeking a grant under this section shall submit to the Secretary an application that includes a plan to implement a HOMES rebate program, including a plan—

(1) to use procedures, as approved by the Secretary, for determining the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit that are calibrated to historical energy usage for a home consistent with BPI 2400, for purposes of modeled performance home rebates;

(2) to use open-source advanced measurement and verification software, as approved by the Secretary, for determining and documenting the monthly and hourly (if available) weather-normalized energy use of a home before and after the implementation of a home energy efficiency retrofit, for purposes of measured performance home rebates;

(3) to value savings based on time, location, or greenhouse gas emissions;

(4) for quality monitoring to ensure that each home energy efficiency retrofit for which a rebate is provided is documented in a certificate that—

(A) is provided by the contractor and certified by a third party to the homeowner; and

(B) details the work performed, the equipment and materials installed, and the projected energy savings or energy generation to support accurate valuation of the retrofit;

(5) to provide a contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim a rebate $200 for each home located in a disadvantaged community that receives a home energy efficiency retrofit for which a rebate is provided under the program; and

(6) to ensure that a homeowner or aggregator does not receive a rebate for the same upgrade through both a HOMES rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(7).

(c) HOMES REBATE PROGRAM.—

(1) IN GENERAL.—A HOMES rebate program carried out by a State energy office receiving a grant pursuant to this section shall provide rebates to homeowners and aggregators for whole-house energy saving retrofits begun on or after the date of enactment of this Act and completed by not later than September 30, 2031.

(2) AMOUNT OF REBATE.—Subject to paragraph (3), under a HOMES rebate program, the amount of a rebate shall not exceed—

(A) for individuals and aggregators carrying out energy efficiency upgrades of single-family homes—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $2,000; and

(II) 50 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $4,000; and

(II) 50 percent of the project cost; and

(iii) for measured energy savings, in the case of a home or portfolio of homes that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average home in the State; or

(II) 50 percent of the project cost;

(B) for multifamily building owners and aggregators carrying out energy efficiency upgrades of multifamily buildings—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, $2,000 per dwelling unit, with a maximum of $200,000 per multifamily building;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, $4,000 per dwelling unit, with a maximum of $400,000 per multifamily building; or

(iii) for measured energy savings, in the case of a multifamily building or portfolio of multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use per dwelling unit for the average multifamily building in the State; or

(II) 50 percent of the project cost; and

(C) for individuals and aggregators carrying out energy efficiency upgrades of a single-family home occupied by a low- or moderate-income household or a multifamily building not less than 50 percent of the dwelling units of which are occupied by low- or moderate-income households—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $4,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $8,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(iii) for measured energy savings, in the case of a single-family home, multifamily building, or portfolio of single-family homes or multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $4,000 for a 20 percent reduction of energy use per single-family home or dwelling unit, as applicable, for the average single-family home or multifamily building in the State; or

(II) 80 percent of the project cost.

(3) REBATES TO LOW- OR MODERATE-INCOME HOUSEHOLDS.—On approval from the Secretary, notwithstanding paragraph (2), a State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section may increase rebate amounts for low- or moderate-income households.

(4) USE OF FUNDS.—A State energy office that receives a grant pursuant to this section may use not more than 20 percent of the grant amount for planning, administration, or technical assistance related to a HOMES rebate program.

(5) DATA ACCESS GUIDELINES.—The Secretary shall develop and publish guidelines for States relating to residential electric and natural gas energy data sharing.

(6) EXEMPTION.—Activities carried out by a State energy office using a grant awarded pursuant to this section shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(7) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office under a HOMES rebate program may not be combined with any other Federal grant or rebate, including a rebate provided under a high-efficiency electric home rebate program (as defined in section 50122(d)), for the same single upgrade.

(d) DEFINITIONS.—In this section:

(1) DISADVANTAGED COMMUNITY.—The term ''disadvantaged community'' means a community that the Secretary determines, based on appropriate data, indices, and screening tools, is economically, socially, or environmentally disadvantaged.

(2) HOMES REBATE PROGRAM.—The term ''HOMES rebate program'' means a Home Owner Managing Energy Savings rebate program established by a State energy office as part of an approved State energy conservation plan under the State Energy Program.

(3) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 80 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 80 percent of area median income.

SEC. 50122. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.

(a) APPROPRIATIONS.—

(1) FUNDS TO STATE ENERGY OFFICES AND INDIAN TRIBES.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to carry out a program—

(A) to award grants to State energy offices to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $4,275,000,000, to remain available through September 30, 2031; and

(B) to award grants to Indian Tribes to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $225,000,000, to remain available through September 30, 2031.

(2) ALLOCATION OF FUNDS.—

(A) STATE ENERGY OFFICES.—The Secretary shall reserve funds made available under paragraph (1)(A) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) INDIAN TRIBES.—The Secretary shall reserve funds made available under paragraph (1)(B)—

(i) in a manner determined appropriate by the Secretary; and

(ii) to be distributed to an Indian Tribe if the application of the Indian Tribe under subsection (b) is approved.

(C) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under—

(i) subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a high-efficiency electric home rebate program in proportion to the amount distributed to those State energy offices under that clause; and

(ii) subparagraph (B) but not distributed under clause (ii) of that subparagraph shall be redistributed to the Indian Tribes operating a high-efficiency electric home rebate program in proportion to the amount distributed to those Indian Tribes under that clause.

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office or Indian Tribe seeking a grant under the program shall submit to the Secretary an application that includes a plan to implement a high-efficiency electric home rebate program, including—

(1) a plan to verify the income eligibility of eligible entities seeking a rebate for a qualified electrification project;

(2) a plan to allow rebates for qualified electrification projects at the point of sale in a manner that ensures that the income eligibility of an eligible entity seeking a rebate may be verified at the point of sale;

(3) a plan to ensure that an eligible entity does not receive a rebate for the same qualified electrification project through both a high-efficiency electric home rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(8); and

(4) any additional information that the Secretary may require.

(c) HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.—

(1) IN GENERAL.—Under the program, the Secretary shall award grants to State energy offices and Indian Tribes to establish a high-efficiency electric home rebate program under which rebates shall be provided to eligible entities for qualified electrification projects.

(2) GUIDELINES.—The Secretary shall prescribe guidelines for high-efficiency electric home rebate programs, including guidelines for providing point of sale rebates in a manner consistent with the income eligibility requirements under this section.

(3) AMOUNT OF REBATE.—

(A) APPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of an appliance under a qualified electrification project shall be—

(i) not more than $1,750 for a heat pump water heater;

(ii) not more than $8,000 for a heat pump for space heating or cooling; and

(iii) not more than $840 for—

(I) an electric stove, cooktop, range, or oven; or

(II) an electric heat pump clothes dryer.

(B) NONAPPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of a nonappliance upgrade under a qualified electrification project shall be—

(i) not more than $4,000 for an electric load service center upgrade;

(ii) not more than $1,600 for insulation, air sealing, and ventilation; and

(iii) not more than $2,500 for electric wiring.

(C) MAXIMUM REBATE.—An eligible entity receiving multiple rebates under this section may receive not more than a total of $14,000 in rebates.

(4) LIMITATIONS.—A rebate provided using funding under this section shall not exceed—

(A) in the case of an eligible entity described in subsection (d)(1)(A)—

(i) 50 percent of the cost of the qualified electrification project for a household the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household the annual income of which is less than 80 percent of the area median income;

(B) in the case of an eligible entity described in subsection (d)(1)(B)—

(i) 50 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are households the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are households the annual income of which is less than 80 percent of the area median income; or

(C) in the case of an eligible entity described in subsection (d)(1)(C)—

(i) 50 percent of the cost of the qualified electrification project for a household—

(I) on behalf of which the eligible entity is working; and

(II) the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household—

(I) on behalf of which the eligible entity is working; and

(II) the annual income of which is less than 80 percent of the area median income.

(5) AMOUNT FOR INSTALLATION OF UPGRADES.—

(A) IN GENERAL.—In the case of an eligible entity described in subsection (d)(1)(C) that receives a rebate under the program and performs the installation of the applicable qualified electrification project, a State energy office or Indian Tribe shall provide to that eligible entity, in addition to the rebate, an amount that—

(i) does not exceed $500; and

(ii) is commensurate with the scale of the upgrades installed as part of the qualified electrification project, as determined by the Secretary.

(B) TREATMENT.—An amount received under subparagraph (A) by an eligible entity described in that subparagraph shall not be subject to the requirement under paragraph (6).

(6) REQUIREMENT.—An eligible entity described in subparagraph (C) of subsection (d)(1) shall discount the amount of a rebate received for a qualified electrification project from any amount charged by that eligible entity to the eligible entity described in subparagraph (A) or (B) of that subsection on behalf of which the qualified electrification project is carried out.

(7) EXEMPTION.—Activities carried out by a State energy office using a grant provided under the program shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(8) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office or Indian Tribe under a high-efficiency electric home rebate program may not be combined with any other Federal grant or rebate, including a rebate provided under a HOMES rebate program (as defined in section 50121(d)), for the same qualified electrification project.

(9) ADMINISTRATIVE COSTS.—A State energy office or Indian Tribe that receives a grant under the program shall use not more than 20 percent of the grant amount for planning, administration, or technical assistance relating to a high-efficiency electric home rebate program.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a low- or moderate-income household;

(B) an individual or entity that owns a multifamily building not less than 50 percent of the residents of which are low- or moderate-income households; and

(C) a governmental, commercial, or nonprofit entity, as determined by the Secretary, carrying out a qualified electrification project on behalf of an entity described in subparagraph (A) or (B).

(2) HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.—The term ''high-efficiency electric home rebate program'' means a rebate program carried out by a State energy office or Indian Tribe pursuant to subsection (c) using a grant received under the program.

(3) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 150 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 150 percent of area median income.

(5) PROGRAM.—The term ''program'' means the program carried out by the Secretary under subsection (a)(1).

(6) QUALIFIED ELECTRIFICATION PROJECT.—

(A) IN GENERAL.—The term ''qualified electrification project'' means a project that—

(i) includes the purchase and installation of—

(I) an electric heat pump water heater;

(II) an electric heat pump for space heating and cooling;

(III) an electric stove, cooktop, range, or oven;

(IV) an electric heat pump clothes dryer;

(V) an electric load service center;

(VI) insulation;

(VII) air sealing and materials to improve ventilation; or

(VIII) electric wiring;

(ii) with respect to any appliance described in clause (i), the purchase of which is carried out—

(I) as part of new construction;

(II) to replace a nonelectric appliance; or

(III) as a first-time purchase with respect to that appliance; and

(iii) is carried out at, or relating to, a single-family home or multifamily building, as applicable and defined by the Secretary.

(B) EXCLUSIONS.—The term ''qualified electrification project'' does not include any project with respect to which the appliance, system, equipment, infrastructure, component, or other item described in subclauses (I) through (VIII) of subparagraph (A)(i) is not certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), if applicable.

SEC. 50123. STATE-BASED HOME ENERGY EFFICIENCY CONTRACTOR TRAINING GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2031, to carry out a program to provide financial assistance to States to develop and implement a State program described in section 362(d)(13) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(13)), which shall provide training and education to contractors involved in the installation of home energy efficiency and electrification improvements, including improvements eligible for rebates under a HOMES rebate program (as defined in section 50121(d)) or a high-efficiency electric home rebate program (as defined in section 50122(d)), as part of an approved State energy conservation plan under the State Energy Program.

(b) USE OF FUNDS.—A State may use amounts received under subsection (a)—

(1) to reduce the cost of training contractor employees;

(2) to provide testing and certification of contractors trained and educated under a State program developed and implemented pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(c) ADMINISTRATIVE EXPENSES.—Of the amounts received by a State under subsection (a), a State shall use not more than 10 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.

PART 3—BUILDING EFFICIENCY AND RESILIENCE

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $330,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (b); and

(2) $670,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (c).

(b) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(1) for grants to assist States, and units of local government that have authority to adopt building codes—

(1) to adopt—

(A) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(B) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

(C) any combination of building energy codes described in subparagraph (A) or (B); and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(c) ZERO ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(2) for grants to assist States, and units of local government that have authority to adopt building codes—

(1) to adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(d) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy—Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861), shall not apply to assistance provided under this section.

(e) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Secretary shall reserve not more than 5

percent for administrative costs necessary to carry out this section.

PART 4—DOE LOAN AND GRANT PROGRAMS

SEC. 50141. FUNDING FOR DEPARTMENT OF ENERGY LOAN PROGRAMS OFFICE.

(a) COMMITMENT AUTHORITY.—In addition to commitment authority otherwise available and previously provided, the Secretary may make commitments to guarantee loans for eligible projects under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), up to a total principal amount of $40,000,000,000, to remain available through September 30, 2026.

(b) APPROPRIATION.—In addition to amounts otherwise available and previously provided, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,600,000,000, to remain available through September 30, 2026, for the costs of guarantees made under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), using the loan guarantee authority provided under subsection (a) of this section.

(c) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (b), the Secretary shall reserve not more than 3 percent for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 and for carrying out section 1702(h)(3) of such Act (42 U.S.C. 16512(h)(3)).

(d) LIMITATIONS.—

(1) CERTIFICATION.—None of the amounts made available under this section for loan guarantees shall be available for any project unless the President has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section.

(2) DENIAL OF DOUBLE BENEFIT.—Except as provided in paragraph (3), none of the amounts made available under this section for loan guarantees shall be available for commitments to guarantee loans for any projects under which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements to support the project or to obtain goods or services from the project.

(3) EXCEPTION.—Paragraph (2) shall not preclude the use of the loan guarantee authority provided under this section for commitments to guarantee loans for—

(A) projects benefitting from otherwise allowable Federal tax benefits;

(B) projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is—

(i) paid exclusively in cash;

(ii) deposited in the Treasury as offsetting receipts; and

(iii) equal to the fair market value;

(C) projects benefitting from the Federal insurance program under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210); or

(D) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee.

(e) GUARANTEE.—Section 1701(4)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16511(4)(A)) is amended by inserting '', except that a loan guarantee may guarantee any debt obligation of a non-Federal borrower to any Eligible Lender (as defined in section 609.2 of title 10, Code of Federal Regulations)'' before the period at the end.

(f) SOURCE OF PAYMENTS.—Section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) is amended by adding at the end the following:

''(3) SOURCE OF PAYMENTS.—The source of a payment received from a borrower under subparagraph (A) or (B) of paragraph (2) may not be a loan or other debt obligation that is made or guaranteed by the Federal Government.''.

SEC. 50142. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available through September 30, 2028, for the costs of providing direct loans under section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)): *Provided*, That funds appropriated by this section may be used for the costs of providing direct loans for reequipping, expanding, or establishing a manufacturing facility in the United States to produce, or for engineering integration performed in the United States of, advanced technology vehicles described in subparagraph (C), (D), (E), or (F) of section 136(a)(1) of such Act (42 U.S.C. 17013(a)(1)) only if such advanced technology vehicles emit, under any possible operational mode or condition, low or zero exhaust emissions of greenhouse gases.

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than $25,000,000 of amounts made available under subsection (a) for administrative costs of providing loans as described in subsection (a).

(c) ELIMINATION OF LOAN PROGRAM CAP.—Section 136(d)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)(1)) is amended by striking ''a total of not more than $25,000,000,000 in''.

SEC. 50143. DOMESTIC MANUFACTURING CONVERSION GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2031, to provide grants for domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and hydrogen fuel cell electric vehicles, in accordance with section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

(b) COST SHARE.—The Secretary shall require a recipient of a grant provided under subsection (a) to provide not less than 50 percent of the cost of the project carried out using the grant.

(c) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than 3 percent of amounts made available under subsection (a) for administrative costs of making grants described in such subsection (a) pursuant to section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

SEC. 50144. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available through September 30, 2026, to carry out activities under section 1706 of the Energy Policy Act of 2005.

(b) COMMITMENT AUTHORITY.—The Secretary may make, through September 30, 2026, commitments to guarantee loans for projects under section 1706 of the Energy Policy Act of 2005 the total principal amount of which is not greater than $250,000,000,000, subject to the limitations that apply to loan guarantees under section 50141(d).

(c) ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.—Title XVII of the Energy Policy Act of 2005 is amended by inserting after section 1705 (42 U.S.C. 16516) the following:

''SEC. 1706. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.

''(a) IN GENERAL.—Notwithstanding section 1703, the Secretary may make guarantees, including refinancing, under this section only for projects that—

''(1) retool, repower, repurpose, or replace energy infrastructure that has ceased operations; or

''(2) enable operating energy infrastructure to avoid, reduce, utilize, or sequester air pollutants or anthropogenic emissions of greenhouse gases.

''(b) INCLUSION.—A project under subsection (a) may include the remediation of environmental damage associated with energy infrastructure.

''(c) REQUIREMENT.—A project under subsection (a)(1) that involves electricity generation through the use of fossil fuels shall be required to have controls or technologies to avoid, reduce, utilize, or sequester air pollutants and anthropogenic emissions of greenhouse gases.

''(d) APPLICATION.—To apply for a guarantee under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a detailed plan describing the proposed project;

''(2) an analysis of how the proposed project will engage with and affect associated communities; and

''(3) in the case of an applicant that is an electric utility, an assurance that the electric utility shall pass on any financial benefit from the guarantee made under this section to the customers of, or associated communities served by, the electric utility.

''(e) TERM.—Notwithstanding section 1702(f), the term of an obligation shall require full repayment over a period not to exceed 30 years.

''(f) DEFINITION OF ENERGY INFRASTRUCTURE.—In this section, the term 'energy infrastructure' means a facility, and associated equipment, used for—

''(1) the generation or transmission of electric energy; or

''(2) the production, processing, and delivery of fossil fuels, fuels derived from petroleum, or petrochemical feedstocks.''.

(d) CONFORMING AMENDMENT.—Section 1702(o)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16512(o)(3)) is amended by inserting ''and projects described in section 1706(a)'' before the period at the end.

SEC. 50145. TRIBAL ENERGY LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available through September 30, 2028, to carry out section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), subject to the limitations that apply to loan guarantees under section 50141(d).

(b) DEPARTMENT OF ENERGY TRIBAL ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by striking '') for an amount equal to not more than 90 percent of'' and inserting '', except that a loan guarantee may guarantee any debt obligation of a non-Federal borrower to any Eligible Lender (as defined in section 609.2 of title 10, Code of Federal Regulations)) for''; and

(2) in paragraph (4), by striking ''$2,000,000,000'' and inserting ''$20,000,000,000''.

PART 5—ELECTRIC TRANSMISSION

SEC. 50151. TRANSMISSION FACILITY FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2030, to carry out this section: *Provided*, That the Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031.

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to carry out a program to pay the costs of direct loans to non-Federal borrowers, subject to the limitations that apply to loan guarantees under section 50141(d) and under such terms and conditions as the Secretary determines to be appropriate, for the construction or modification of electric transmission facilities designated by the Secretary to be necessary in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a)).

(c) LOANS.—A direct loan provided under this section—

(1) shall have a term that does not exceed the lesser of—

(A) 90 percent of the projected useful life, in years, of the eligible transmission facility; and

(B) 30 years;

(2) shall not exceed 80 percent of the project costs; and

(3) shall, on first issuance, be subject to the condition that the direct loan is not subordinate to other financing.

(d) INTEREST RATES.—A direct loan provided under this section shall bear interest at a rate determined by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date on which the direct loan is made.

(e) DEFINITION OF DIRECT LOAN.—In this section, the term ''direct loan'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

SEC. 50152. GRANTS TO FACILITATE THE SITING OF INTERSTATE ELECTRICITY TRANSMISSION LINES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $760,000,000, to remain available through September 30, 2029, for making grants in accordance with this section and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary may make a grant under this section to a siting authority for, with respect to a covered transmission project, any of the following activities:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Participation by the siting authority in regulatory proceedings or negotiations in another jurisdiction, or under the auspices of a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that is also considering the siting or permitting of the covered transmission project.

(D) Participation by the siting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory commission for determining applicable rates and cost allocation for the covered transmission project.

(E) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the siting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

(2) ECONOMIC DEVELOPMENT.—The Secretary may make a grant under this section to a siting authority, or other State, local, or Tribal governmental entity, for economic development activities for communities that may be affected by the construction and operation of a covered transmission project, provided that the Secretary shall not enter into any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

(c) CONDITIONS.—

(1) FINAL DECISION ON APPLICATION.—In order to receive a grant for an activity described in subsection (b)(1), the Secretary shall require a siting authority to agree, in writing, to reach a final decision on the application relating to the siting or permitting of the applicable covered transmission project not later than 2 years after the date on which such grant is provided, unless the Secretary authorizes an extension for good cause.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity described in subparagraph (C) or (D) of subsection (b)(1) shall not exceed 50 percent.

(3) ECONOMIC DEVELOPMENT.—The Secretary may only disburse grant funds for economic development activities under subsection (b)(2)—

(A) to a siting authority upon approval by the siting authority of the applicable covered transmission project; and

(B) to any other State, local, or Tribal governmental entity upon commencement of construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(d) RETURNING FUNDS.—If a siting authority that receives a grant for an activity described in subsection (b)(1) fails to use all grant funds within 2 years of receipt, the siting authority shall return to the Secretary any such unused funds.

(e) DEFINITIONS.—In this section:

(1) COVERED TRANSMISSION PROJECT.—The term ''covered transmission project'' means a high-voltage interstate or offshore electricity transmission line—

(A) that is proposed to be constructed and to operate—

(i) at a minimum of 275 kilovolts of either alternating-current or direct-current electric energy by an entity; or

(ii) offshore and at a minimum of 200 kilovolts of either alternating-current or direct-current electric energy by an entity; and

(B) for which such entity has applied, or informed a siting authority of such entity's intent to apply, for regulatory approval.

(2) SITING AUTHORITY.—The term ''siting authority'' means a State, local, or Tribal governmental entity with authority to make a final determination regarding the siting, permitting, or regulatory status of a covered transmission project that is proposed to be located in an area under the jurisdiction of the entity.

SEC. 50153. INTERREGIONAL AND OFFSHORE WIND ELECTRICITY TRANSMISSION PLANNING, MODELING, AND ANALYSIS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—The Secretary shall use amounts made available under subsection (a)—

(1) to pay expenses associated with convening relevant stakeholders to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and

(2) to conduct planning, modeling, and analysis regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking into account the local, regional, and national economic, reliability, resilience, security, public policy, and environmental benefits of interregional electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—

(A) clean energy integration into the electric grid, including the identification of renewable energy zones;

(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;

(C) cost allocation methodologies that facilitate the expansion of the bulk power system;

(D) the benefits of coordination between generator interconnection processes and transmission planning processes;

(E) the effect of increased electrification on the electric grid;

(F) power flow modeling;

(G) the benefits of increased interconnections or interties between or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections, as applicable;

(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;

(I) the opportunities for use of nontransmission alternatives, energy storage, and grid-enhancing technologies;

(J) economic development opportunities for communities arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind;

(K) evaluation of existing rights-of-way and the need for additional transmission corridors; and

(L) a planned national transmission grid, which would include a networked transmission system to optimize the existing grid for interconnection of offshore wind farms.

PART 6—INDUSTRIAL

SEC. 50161. ADVANCED INDUSTRIAL FACILITIES DEPLOYMENT PROGRAM.

(a) OFFICE OF CLEAN ENERGY DEMONSTRATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Clean Energy Demonstrations, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,812,000,000, to remain available through September 30, 2026, to carry out this section.

(b) FINANCIAL ASSISTANCE.—The Secretary shall use funds appropriated by subsection (a) to provide financial assistance, on a competitive basis, to eligible entities to carry out projects for—

(1) the purchase and installation, or implementation, of advanced industrial technology at an eligible facility;

(2) retrofits, upgrades to, or operational improvements at an eligible facility to install or implement advanced industrial technology; or

(3) engineering studies and other work needed to prepare an eligible facility for activities described in paragraph (1) or (2).

(c) APPLICATION.—To be eligible to receive financial assistance under subsection (b), an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the expected greenhouse gas emissions reductions to be achieved by carrying out the project.

(d) PRIORITY.—In providing financial assistance under subsection (b), the Secretary shall give priority consideration to projects on the basis of, as determined by the Secretary—

(1) the expected greenhouse gas emissions reductions to be achieved by carrying out the project;

(2) the extent to which the project would provide the greatest benefit for the greatest number of people within the area in which the eligible facility is located; and

(3) whether the eligible entity participates or would participate in a partnership with purchasers of the output of the eligible facility.

(e) COST SHARE.—The Secretary shall require an eligible entity to provide not less than 50 percent of the cost of a project carried out pursuant to this section.

(f) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than $300,000,000 of amounts made available under subsection (a) for administrative costs of carrying out this section.

(g) DEFINITIONS.—In this section:

(1) ADVANCED INDUSTRIAL TECHNOLOGY.—The term ''advanced industrial technology'' means a technology directly involved in an industrial process, as described in any of paragraphs (1) through (6) of section 454(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(c)), and designed to accelerate greenhouse gas emissions reduction progress to net-zero at an eligible facility, as determined by the Secretary.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means the owner or operator of an eligible facility.

(3) ELIGIBLE FACILITY.—The term ''eligible facility'' means a domestic, non-Federal, nonpower industrial or manufacturing facility engaged in energy-intensive industrial processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, industrial ceramics, chemicals, and other energy intensive industrial processes, as determined by the Secretary.

(4) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means a grant, rebate, direct loan, or cooperative agreement.

PART 7—OTHER ENERGY MATTERS

SEC. 50171. DEPARTMENT OF ENERGY OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available through September 30, 2031, for oversight by the Department of Energy Office of Inspector General of the Department of Energy activities for which funding is appropriated in this subtitle.

SEC. 50172. NATIONAL LABORATORY INFRASTRUCTURE.

(a) OFFICE OF SCIENCE.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the Office of Science, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2027—

(1) $133,240,000 to carry out activities for science laboratory infrastructure projects;

(2) $303,656,000 to carry out activities for high energy physics construction and major items of equipment projects;

(3) $280,000,000 to carry out activities for fusion energy science construction and major items of equipment projects;

(4) $217,000,000 to carry out activities for nuclear physics construction and major items of equipment projects;

(5) $163,791,000 to carry out activities for advanced scientific computing research facilities;

(6) $294,500,000 to carry out activities for basic energy sciences projects; and

(7) $157,813,000 to carry out activities for isotope research and development facilities.

(b) OFFICE OF NUCLEAR ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Nuclear Energy.

(c) OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Energy Efficiency and Renewable Energy.

SEC. 50173. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2026—

(1) $100,000,000 to carry out the program elements described in subparagraphs (A) through (C) of section 2001(a)(2) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2));

(2) $500,000,000 to carry out the program elements described in subparagraphs (D) through (H) of that section; and

(3) $100,000,000 to carry out activities to support the availability of high-assay low-enriched uranium for civilian domestic research, development, demonstration, and commercial use under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall, in a manner consistent with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), use a competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(c) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 3 percent of the amounts appropriated by subsection (a) for administrative purposes.

Subtitle B—Natural Resources

PART 1—GENERAL PROVISIONS

SEC. 50211. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) UNITED STATES INSULAR AREAS.—The term ''United States Insular Areas'' means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

PART 2—PUBLIC LANDS

SEC. 50221. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND RESILIENCE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out projects for the conservation, protection, and resiliency of lands and resources administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 50222. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND ECOSYSTEM RESTORATION.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out conservation, ecosystem and habitat restoration projects on lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 50223. NATIONAL PARK SERVICE EMPLOYEES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2030, to hire employees to serve in units of the National Park System or national historic or national scenic trails administered by the National Park Service.

SEC. 50224. NATIONAL PARK SYSTEM DEFERRED MAINTENANCE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2026, to carry out priority deferred maintenance projects, through direct expenditures or transfers, within the boundaries of the National Park System.

PART 3—DROUGHT RESPONSE AND PREPAREDNESS

SEC. 50231. BUREAU OF RECLAMATION DOMESTIC WATER SUPPLY PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $550,000,000, to remain available through September 30, 2031, for grants, contracts, or financial assistance agreements for disadvantaged communities (identified according to criteria adopted by the Commissioner of Reclamation) in a manner as determined by the Commissioner of Reclamation for up to 100 percent of the cost of the planning, design, or construction of water projects the primary purpose of which is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies in a State or territory described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, chapter 1093).

SEC. 50232. CANAL IMPROVEMENT PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available through September 30, 2031, for the design, study, and implementation of projects (including pilot and demonstration projects) to cover water conveyance facilities with solar panels to generate renewable energy in a manner as determined by the Secretary or for other solar projects associated with Bureau of Reclamation projects that increase water efficiency and assist in implementation of clean energy goals.

SEC. 50233. DROUGHT MITIGATION IN THE RECLAMATION STATES.

(a) DEFINITION OF RECLAMATION STATE.—In this section, the term ''Reclamation State'' means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 391).

(b) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary (acting through the Commissioner of Reclamation), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000,000, to remain available through September 30, 2026, for grants, contracts, or financial assistance agreements, in accordance with the reclamation laws, to or with public entities and Indian Tribes, that provide for the conduct of the following activities to mitigate the impacts of drought in the Reclamation States, with priority given to the Colorado River Basin and other basins experiencing comparable levels of long-term drought, to be implemented in compliance with applicable environmental law:

(1) Compensation for a temporary or multiyear voluntary reduction in diversion of water or consumptive water use.

(2) Voluntary system conservation projects that achieve verifiable reductions in use of or demand for water supplies or provide environmental benefits in the Lower Basin or Upper Basin of the Colorado River.

(3) Ecosystem and habitat restoration projects to address issues directly caused by drought in a river basin or inland water body.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary shall submit to Congress a report that describes any expenditures under this section.

PART 4—INSULAR AFFAIRS

SEC. 50241. OFFICE OF INSULAR AFFAIRS CLIMATE CHANGE TECHNICAL ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2026, to provide technical assistance for climate change planning, mitigation, adaptation, and resilience to United States Insular Areas.

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000, to remain available through September 30, 2026, for necessary administrative expenses associated with carrying out this section.

PART 5—OFFSHORE WIND

SEC. 50251. LEASING ON THE OUTER CONTINENTAL SHELF.

(a) LEASING AUTHORIZED.—The Secretary may grant leases, easements, and rights-of-way pursuant to section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) in an area withdrawn by—

(1) the Presidential memorandum entitled ''Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'' and dated September 8, 2020; or

(2) the Presidential memorandum entitled ''Presidential Determination on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'' and dated September 25, 2020.

(b) OFFSHORE WIND FOR THE TERRITORIES.—

(1) APPLICATION OF OUTER CONTINENTAL SHELF LANDS ACT WITH RESPECT TO TERRITORIES OF THE UNITED STATES.—

(A) IN GENERAL.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(i) in subsection (a)—

(I) by striking ''means all'' and inserting the following: ''means—

''(1) all''; and

(II) in paragraph (1) (as so designated), by striking ''control;'' and inserting the following: ''control or within the exclusive economic zone of the United States and adjacent to any territory of the United States; and''; and

(III) by adding at the end following:

''(2) does not include any area conveyed by Congress to a territorial government for administration;'';

(ii) in subsection (p), by striking ''and'' after the semicolon at the end;

(iii) in subsection (q), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(r) The term 'State' means—

''(1) each of the several States;

''(2) the Commonwealth of Puerto Rico;

''(3) Guam;

''(4) American Samoa;

''(5) the United States Virgin Islands; and

''(6) the Commonwealth of the Northern Mariana Islands.''.

(B) EXCLUSIONS.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

''(i) APPLICATION.—This section shall not apply to the scheduling of any lease sale in an area of the outer Continental Shelf that is adjacent to the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands.''.

(2) WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF THE UNITED STATES.

''(a) WIND LEASE SALES OFF COASTS OF TERRITORIES OF THE UNITED STATES.—

''(1) CALL FOR INFORMATION AND NOMINATIONS.—

''(A) IN GENERAL.—The Secretary shall issue calls for information and nominations for proposed wind lease sales for areas of the outer Continental Shelf described in paragraph (2) that are determined to be feasible.

''(B) INITIAL CALL.—Not later than September 30, 2025, the Secretary shall issue an initial call for information and nominations under this paragraph.

''(2) CONDITIONAL WIND LEASE SALES.—The Secretary may conduct wind lease sales in each area within the exclusive economic zone of the United States adjacent to the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands that meets each of the following criteria:

''(A) The Secretary has concluded that a wind lease sale in the area is feasible.

''(B) The Secretary has determined that there is sufficient interest in leasing the area.

''(C) The Secretary has consulted with the Governor of the territory regarding the suitability of the area for wind energy development.''.

PART 6—FOSSIL FUEL RESOURCES

SEC. 50261. OFFSHORE OIL AND GAS ROYALTY RATE.

Section 8(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)) is amended—

(1) in each of subparagraphs (A) and (C), by striking ''not less than 12½ per centum'' each place it appears and inserting ''not less than 16⅔ percent'';

(2) in subparagraph (F), by striking ''no less than 12½ per centum'' and inserting ''not less than 16⅔ percent''; and

(3) in subparagraph (H), by striking ''no less than 12 and ½ per centum'' and inserting ''not less than 16⅔ percent''.

SEC. 50262. MINERAL LEASING ACT MODERNIZATION.

(a) ONSHORE OIL AND GAS ROYALTY RATES.—

(1) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(A) in subsection (b)(1)(A), in the fifth sentence—

(i) by striking ''12.5'' and inserting ''16⅔''; and

(ii) by inserting ''or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', 16⅔ percent in amount or value of the production removed or sold from the lease'' before the period at the end; and

(B) by striking ''12½ per centum'' each place it appears and inserting ''16⅔ percent''.

(2) CONDITIONS FOR REINSTATEMENT.—Section 31(e)(3) of the Mineral Leasing Act (30 U.S.C. 188(e)(3)) is amended by striking ''16⅔'' each place it appears and inserting ''20''.

(b) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(B), in the first sentence, by striking ''$2 per acre for a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.'' and inserting ''$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''; and

(2) in paragraph (2)(C), by striking ''$2 per acre'' and inserting ''$10 per acre''.

(c) FOSSIL FUEL RENTAL RATES.—

(1) ANNUAL RENTALS.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended, in the first sentence, by striking ''$1.50 per acre'' and all that follows through the period at the end and inserting ''$3 per acre per year during the 2-year period beginning on the date the lease begins for new leases, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and not less than $15 per acre per year thereafter, or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', $3 per acre per year during the 2-year period beginning on the date the lease begins, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and $15 per acre per year thereafter.''.

(2) RENTALS IN REINSTATED LEASES.—Section 31(e)(2) of the Mineral Leasing Act (30 U.S.C. 188(e)(2)) is amended by striking ''$10'' and inserting ''$20''.

(d) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) FEE FOR EXPRESSION OF INTEREST.—

''(1) IN GENERAL.—The Secretary shall assess a nonrefundable fee against any person that, in accordance with procedures established by the Secretary to carry out this subsection, submits an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas.

''(2) AMOUNT OF FEE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the fee assessed under paragraph (1) shall be $5 per acre of the area covered by the applicable expression of interest.

''(B) ADJUSTMENT OF FEE.—The Secretary shall, by regulation, not less frequently than every 4 years, adjust the amount of the fee under subparagraph (A) to reflect the change in inflation.''.

(e) ELIMINATION OF NONCOMPETITIVE LEASING.—

(1) IN GENERAL.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in the first sentence, by striking ''paragraphs (2) and (3) of this subsection'' and inserting ''paragraph (2)''; and

(II) by striking the last sentence; and

(ii) by striking paragraph (3);

(B) by striking subsection (c) and inserting the following:

''(c) ADDITIONAL ROUNDS OF COMPETITIVE BIDDING.—Land made available for leasing under subsection (b)(1) for which no bid is accepted or received, or the land for which a lease terminates, expires, is cancelled, or is relinquished, may be made available by the Secretary of the Interior for a new round of competitive bidding under that subsection.''; and

(C) by striking subsection (e) and inserting the following:

''(e) TERM OF LEASE.—

''(1) IN GENERAL.—Any lease issued under this section, including a lease for tar sand areas, shall be for a primary term of 10 years.

''(2) CONTINUATION OF LEASE.—A lease described in paragraph (1) shall continue after the primary term of the lease for any period during which oil or gas is produced in paying quantities.

''(3) ADDITIONAL EXTENSIONS.—Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced and diligently prosecuted prior to the end of the primary term of the lease shall be extended for 2 years and for any period thereafter during which oil or gas is produced in paying quantities.''.

(2) CONFORMING AMENDMENTS.—Section 31 of the Mineral Leasing Act (30 U.S.C. 188) is amended—

(A) in subsection (d)(1), in the first sentence, by striking ''or section 17(c) of this Act'';

(B) in subsection (e)—

(i) in paragraph (2)—

(I) by striking ''either''; and

(II) by striking ''or the inclusion'' and all that follows through '', all''; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by adding ''and'' after the semicolon;

(II) by striking subparagraph (B); and

(III) by striking ''(3)(A) payment'' and inserting the following:

''(3) payment'';

(C) in subsection (g)—

(i) in paragraph (1), by striking ''as a competitive'' and all that follows through ''of this Act'' and inserting ''in the same manner as the original lease issued pursuant to section 17'';

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(iv) in paragraph (2) (as so redesignated), by striking ''applicable to leases issued under subsection 17(c) of this Act (30 U.S.C. 226(c)) except,'' and inserting ''except'';

(D) in subsection (h), by striking ''subsections (d) and (f) of this section'' and inserting ''subsection (d)'';

(E) in subsection (i), by striking ''(i)(1) In acting'' and all that follows through ''of this section'' in paragraph (2) and inserting the following:

''(i) ROYALTY REDUCTION IN REINSTATED LEASES.—In acting on a petition for reinstatement pursuant to subsection (d)'';

(F) by striking subsection (f); and

(G) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

SEC. 50263. ROYALTIES ON ALL EXTRACTED METHANE.

(a) IN GENERAL.—For all leases issued after the date of enactment of this Act, except as provided in subsection (b), royalties paid for gas produced from Federal land and on the outer Continental Shelf shall be assessed on all gas produced, including all gas that is consumed or lost by venting, flaring, or negligent releases through any equipment during upstream operations.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to—

(1) gas vented or flared for not longer than 48 hours in an emergency situation that poses a danger to human health, safety, or the environment;

(2) gas used or consumed within the area of the lease, unit, or communitized area for the benefit of the lease, unit, or communitized area; or

(3) gas that is unavoidably lost.

SA 5282. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle __—Safeguarding Patient Access to Cutting-edge Therapies by Protecting Small Businesses From Onerous Permanent Mandates and Catastrophic Penalties Under the New Federal Program

SEC. 1__001. SAFEGUARDING PATIENT ACCESS TO CUTTING-EDGE THERAPIES BY PROTECTING SMALL BUSINESSES FROM ONEROUS PERMANENT MANDATES AND CATASTROPHIC PENALTIES UNDER THE NEW FEDERAL PROGRAM.

Sec. 1192(d) of the Social Security Act, as added by section 11001, is amended—

(1) in paragraph (2)(A), in the matter preceding clause (i), by striking '', with respect to the initial price applicability years 2026, 2027, and 2028,''; and

(2) in paragraph (3)(A)(ii), by striking ''for initial price applicability years 2026, 2027, and 2028,''.

SEC. 1__002. REDUCTION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT.

Section 10301(a)(1)(A)(i)(II) of this Act is amended by striking ''$45,637,400,000'' and inserting ''$40,637,400,000''.

SA 5283. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle B of title I, add the following:

SEC. 11005. ENSURING ACCESS FOR MEDICARE BENEFICIARIES TO GENETICALLY TARGETED TECHNOLOGIES.

Sec. 1192(e)(3) of the Social Security Act, as added by section 11001, is amended by adding at the end the following new subparagraph:

''(D) GENETICALLY TARGETED TECHNOLOGIES.—A drug product using a genetically targeted technology including cell, gene, siRNA, and radio ligand therapies.''.

SA 5284. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

SEC. 11005. EQUALIZING THE NEGOTIATION PERIOD BETWEEN SMALL-MOLECULE AND BIOLOGIC CANDIDATES UNDER THE DRUG PRICE NEGOTIATION PROGRAM.

Part E of title XI of the Social Security Act, as added by section 11001, is amended—

(1) in section 1192(e)(1)(A)(ii), by striking ''7 years'' and inserting ''11 years''; and

(2) in section 1194(g)(1)(A), by striking ''9 years'' and inserting ''13 years''.

SA 5285. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Beginning on page 689, strike line 8 and all that follows through page 714, line 7, and insert the following:

SEC. 60106. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce greenhouse gas emissions and other air pollutants at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60107. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis, and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60108. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60109. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60110. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, enhanced standardization and transparency, and reporting criteria for environmental product declarations that include measurements of the embodied greenhouse gas emissions of the material or product associated with all relevant stages of production, use, and disposal, and conform with international standards, for construction materials and products by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

(2) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60111. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60103 of this Act, the following:

''SEC. 135. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations;

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) permanently shutting in and plugging wells on non-Federal land;

''(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(F) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, prepare inventories, gather empirical data, and track emissions.

''(b) INCENTIVES FOR METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

''(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

''(d) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing.

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2024;

''(B) $1,200 for emissions reported for calendar year 2025; or

''(C) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

''(f) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

''(A) 0.20 percent of the natural gas sent to sale from such facility; or

''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from or through such facility.

''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from or through such facility.

''(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).

''(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.

''(6) EXEMPTION FOR REGULATORY COMPLIANCE.—

''(A) IN GENERAL.—Charges shall not be imposed pursuant to subsection (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—

''(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and

''(ii) compliance with the requirements described in clause (i) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled 'Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review' (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.

''(B) RESUMPTION OF CHARGE.—If the conditions in clause (i) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (i) or (ii) of that subparagraph are no longer met.

''(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with all applicable closure requirements, as determined by the Administrator.

''(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

''(h) REPORTING.—Not later than 2 years after the date of enactment of this section, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations, to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

''(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60112. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60111 of this Act, the following:

''SEC. 136. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

''(a) APPROPRIATIONS.—

''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, to provide technical assistance to eligible entities, to develop a plan that could be used as a model by grantees in developing a plan under subsection (b), and to model the effects of plans described in this section.

''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding the degree to which greenhouse gas air pollution is projected to be reduced in total and with respect to low-income and disadvantaged communities.

''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an air pollution control agency;

''(C) a municipality;

''(D) an Indian tribe; and

''(E) a group of one or more entities listed in subparagraphs (A) through (D).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60113. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60114. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal, as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, based on—

(1) environmental product declarations; or

(2) determinations by State agencies, as verified by the Administrator of the Environmental Protection Agency.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

''SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

SA 5286. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 708, strike lines 24 and 25 and insert the following:

''(i) PROHIBITION.—In carrying out this section, the Administrator may not ban the underground injection of fluids or propping agents with respect to hydraulic fracturing operations related to oil, gas, or geothermal production activities.

''(j) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants.

SA 5287. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 6 of subtitle D of title I.

SA 5288. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50261 and 50262.

SA 5289. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 43, strike lines 3 through 7 and insert the following:

(c) NO TAX INCREASES ON CERTAIN TAXPAYERS.—

(1) IN GENERAL.—Nothing in this subsection shall increase taxes on any taxpayer with a taxable income below $400,000.

(2) AUDITS.—No funds obligated under this subsection shall be dedicated to enforcement activities that increase audit rates against any taxpayer with a taxable income below $400,000.

SA 5290. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXEMPTION OF GRANTS FROM TAXATION.

(a) IN GENERAL.—Section 421 of the Coronavirus Economic Relief for Transportation Services Act (15 U.S.C. 9111) is amended by adding at the end the following new subsection:

''(g) TAX TREATMENT.—For purposes of the Internal Revenue Code of 1986—

''(1) no amount shall be included in the gross income of the eligible provider of transportation services by reason of a grant under this section,

''(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

''(3) in the case of an eligible provider of transportation services which is a partnership or S corporation—

''(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of such Code, and

''(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), any increase in the adjusted basis of a partner's interest in a partnership under section 705 of such Code with respect to any amount described in subparagraph (A) shall equal the partner's distributive share of deductions resulting from costs described in subsection (d) which are paid using a grant under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of the Coronavirus Economic Relief for Transportation Services Act.

SA 5291. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 374, strike line 20 and all that follows through page 375, line 9, and insert the following:

''(A) any vehicle placed in service after December 31, 2027, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(B) any vehicle placed in service after December 31, 2026, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).''.

SA 5292. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 20002. SUMMER ELECTRONIC BENEFIT TRANSFER FOR CHILDREN PROGRAM.

The Richard B. Russell National School Lunch Act is amended by inserting after section 13 (42 U.S.C. 1761) the following:

''SEC. 13A. SUMMER ELECTRONIC BENEFIT TRANSFER FOR CHILDREN PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COVERED INDIAN TRIBAL ORGANIZATION.—The term 'covered Indian Tribal organization' means an Indian Tribal organization that participates in the special supplemental nutrition program.

''(2) ELIGIBLE CHILD.—The term 'eligible child' means, with respect to a summer, a child who was, during the school year immediately preceding such summer—

''(A) certified to receive free or reduced price lunch under the school lunch program under this Act;

''(B) certified to receive free or reduced price breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

''(C) enrolled in a school—

''(i) described in subparagraph (B), (C), (D), or (E) of section 11(a)(1); or

''(ii) that is under a local educational agency that elects to receive special assistance payments under subparagraph (F) of that section.

''(3) ELIGIBLE HOUSEHOLD.—The term 'eligible household' means a household that includes at least 1 eligible child.

''(4) PROGRAM.—The term 'program' means the program established under subsection (b).

''(5) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.—The term 'special supplemental nutrition program' means the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

''(6) SUMMER EBT BENEFITS.—The term 'summer EBT benefits' means benefits provided under the program, during the summer months, through electronic benefit transfer.

''(7) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term 'supplemental nutrition assistance program' means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

''(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'Summer Electronic Benefit Transfer for Children Program', under which States and covered Indian Tribal organizations participating in the program shall, for summer 2024 and summer 2025, issue summer EBT benefits

to eligible households for the purpose of providing nutrition assistance during the summer months to ensure children have continued access to food when school is not in session.

''(c) USE OF BENEFITS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), summer EBT benefits issued by a State participating in the program may be used only to purchase food (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) from retail food stores that have been approved for participation in—

''(A) the supplemental nutrition assistance program in accordance with section 9 of that Act (7 U.S.C. 2018); or

''(B) a nutrition assistance program in the Commonwealth of the Northern Mariana Islands, Puerto Rico, or American Samoa that is funded by a grant from the Department of Agriculture.

''(2) STATES PARTICIPATING IN WIC.—In the case of a State participating in the program that participated in a demonstration project carried out under section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2132), during calendar year 2018 using a special supplemental nutrition program model, summer EBT benefits may also be used to purchase supplemental foods (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b))) from retailers that have been approved for participation in—

''(A) the special supplemental nutrition program; or

''(B) the program under this section.

''(3) COVERED INDIAN TRIBAL ORGANIZATIONS.—Summer EBT benefits issued by a covered Indian Tribal organization participating in the program may only be used to purchase the supplemental foods described in paragraph (2).

''(d) AMOUNT.—Summer EBT benefits issued under the program shall be in an amount, per summer month for each eligible child in an eligible household, that is—

''(1) for calendar year 2024, equal to $65; and

''(2) for calendar year 2025, equal to the amount described in paragraph (1), adjusted to the nearest lower dollar increment to reflect changes to the cost of the thrifty food plan (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) for the 12-month period ending on November 30 of the preceding calendar year.

''(e) FORM OF BENEFITS.—Summer EBT benefits may be issued—

''(1) in the form of an electronic benefit transfer card; or

''(2) through electronic delivery.

''(f) ENROLLMENT IN PROGRAM.—

''(1) STATE REQUIREMENTS.—States participating in the program shall—

''(A) automatically enroll eligible children in the program without further application; and

''(B)(i) require local educational agencies to allow eligible households to opt out of participation in the program; and

''(ii) establish procedures for opting out of such participation.

''(2) COVERED INDIAN TRIBAL ORGANIZATION REQUIREMENTS.—Covered Indian Tribal organizations participating in the program shall, to the maximum extent practicable, meet the requirements described in subparagraphs (A) and (B) of paragraph (1).

''(g) IMPLEMENTATION GRANTS.—Not earlier than January 1, 2023, the Secretary shall provide grants to States and covered Indian Tribal organizations to build capacity for implementing the program.

''(h) ALTERNATE PLANS IN THE CASE OF CONTINUOUS SCHOOL CALENDAR.—The Secretary shall establish an alternative method for determining the schedule and number of days during which summer EBT benefits may be issued under the program in the case of children who are under a continuous school calendar.

''(i) FUNDING.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary, for each of fiscal years 2023 through 2025, out of any money in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section (including for administrative expenses incurred by the Secretary, States, covered Indian Tribal organizations, and local educational agencies), to remain available for the 2-fiscal year period following the date such amounts are made available.

''(2) IMPLEMENTATION GRANT FUNDING.—In addition to amounts otherwise available, including under paragraph (1), there is appropriated to the Secretary for fiscal year 2024, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, to carry out subsection (g).

''(j) SUNSET.—The authority under this section shall terminate on September 30, 2025.''.

SA 5293. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 70002, in the matter preceding paragraph (1), strike ''$3,000,000,000'' and insert ''$7,500,000,000''.

SA 5294. Mr. MERKLEY (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 378, strike line 6 and all that follows through page 384, line 5, and insert the following:

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 30D is amended—

(A) by redesignating subsection (g) as subsection (h), and

(B) by inserting after subsection (f) the following:

''(g) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if the taxpayer who acquires a new clean vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

''(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

''(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—

''(i) the manufacturer's suggested retail price,

''(ii) the value of the credit allowed and any other incentive available for the purchase of such vehicle, and

''(iii) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1),

''(C) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

''(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—

''(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

''(ii) such election shall not limit the value or use of such incentive.

''(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

''(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

''(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

''(A) shall not be includible in the gross income of the taxpayer, and

''(B) with respect to the dealer, shall not be deductible under this title.

''(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

''(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,

''(B) paragraph (6) of such subsection shall not apply, and

''(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.

''(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—

''(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

''(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(c)(6) shall apply for purposes of this paragraph.

''(C) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(8) DEALER.—For purposes of this subsection, the term 'dealer' means a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government, or any

Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles.

''(9) INDIAN TRIBAL GOVERNMENT.—For purposes of this subsection, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).''.

(2) CONFORMING AMENDMENTS.—Section 30D, as amended by the preceding provisions of this section, is amended—

(A) in subsection (d)(1)(H) of such section—

(i) in clause (iv), by striking ''and'' at the end,

(ii) in clause (v), by striking the period at the end and inserting '', and'', and

(iii) by adding at the end the following:

''(vi) in the case of a taxpayer who makes an election under subsection (g)(1), any amount described in subsection (g)(2)(C) which has been provided to such taxpayer.'', and

(B) in subsection (f)—

(i) by striking paragraph (3), and

(ii) in paragraph (8), by inserting '', including any vehicle with respect to which the taxpayer elects the application of subsection (g)'' before the period at the end.

(h) EXTENSION OF CREDIT FOR QUALIFIED 2- OR 3- WHEELED PLUG-IN ELECTRIC VEHICLES; TERMINATION.—Section 30D is amended—

(1) in subsection (h)(3), as redesignated by the preceding provisions of this section—

(A) in subparagraph (B), by striking ''4 kilowatt hours'' and inserting ''7 kilowatt hours'', and

(B) by striking subparagraph (E) and inserting the following:

''(E) in the case of a vehicle placed in service after December 31, 2026, the final assembly of which occurs within the United States.''.

(2) by adding at the end the following:

''(i) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle placed in service after December 31, 2032.''.

SA 5295. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title V, insert the following:

SEC. 502___. WITHDRAWAL OF CERTAIN AREAS OFFERED FOR LEASE.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) (as amended by section 50251(b)(2)) is amended by adding at the end the following:

''SEC. 34. RIGHT TO REQUEST WITHDRAWAL.

''Notwithstanding any other provision of this or any other Act, with respect to any area offered for lease under a 5-year plan pursuant to this Act, the Secretary, on request of the Governor of a State or territory any waters of which are not more than 50 miles from the area offered for lease, shall withdraw the area from such offer.''.

SA 5296. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50264 and 50265.

SA 5297. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FUNDING FOR HOUSING.

(a) CAPITAL FUND.—In addition to amounts otherwise available for such purposes, there are appropriated to the Capital Fund established under section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)), out of amounts in the Treasury not otherwise appropriated, $10,000,000,000, to remain available until September 30, 2031, which shall be—

(1) distributed under the same formula by which amounts in that Fund were distributed during fiscal year 2021; and

(2) made available not later than 60 days after the date of the enactment of this Act.

(b) REPAIR, REPLACEMENT, CONSTRUCTION.—In addition to amounts otherwise available for such purposes, there are appropriated to the Secretary of Housing and Urban Development, out of amounts in the Treasury not otherwise appropriated, $53,000,000,000, to remain available until September 30, 2026, to carry out capital and management activities under section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)(1)) for priority investments determined by the Secretary of Housing and Urban Development to repair, replace, or construct properties assisted under such section 9.

(c) HOME INVESTMENT PARTNERSHIP.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purposes, there are appropriated to the Secretary of Housing and Urban Development, out of amounts in the Treasury not otherwise appropriated—

(A) $10,000,000,000, to remain available until September 30, 2026, for activities and assistance for the HOME Investment Partnerships Program, as authorized under sections 241 through 242, 244 through 253, 255 through 256, and 281 through 290 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741–12742, 42 U.S.C. 12744–12753, 42 U.S.C. 12755–12756, 42 U.S.C. 12831-12840) (in this subsection referred to as ''NAHA''), subject to the terms and conditions in paragraph (2)(A); and

(B) $45,000,000,000, to remain available until September 30, 2026, for activities and assistance for the HOME Investment Partnerships Program, as authorized under sections 241 through 242, 244 through 253, 255 through 256, and 281 through 290 of NAHA (42 U.S.C. 12741–12742, 42 U.S.C. 12744–12753, 42 U.S.C. 12755–12756, 42 U.S.C. 12831–12840), subject to the terms and conditions in paragraphs (2)(B) and (3).

(2) FORMULA.—(A) The Secretary shall allocate amounts made available under paragraph (1)(A) pursuant to section 217 of NAHA (42 U.S.C. 12747) to grantees that received allocations pursuant to that same formula in fiscal year 2021, and shall make such allocations within 60 days of the date of enactment of this Act.

(B) The Secretary shall allocate amounts made available under paragraph (1)(B) pursuant to the formula specified in section 1338(c)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568(c)(3)) to grantees that received Housing Trust Fund allocations pursuant to that same formula in fiscal year 2021, and shall make such allocations within 60 days of the date of enactment of this Act.

(3) ELIGIBLE ACTIVITIES.—Other than as provided in paragraph (4), funds made available under paragraph (1)(B) may only be used for eligible activities described in subparagraphs (A) through (B)(i) of section 1338(c)(7) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568(c)(7)), except that not more than 10 percent of funds made available may be used for activities under such subparagraph (B)(i).

(4) FUNDING RESTRICTIONS.—The commitment requirements in section 218(g) of NAHA (42 U.S.C. 12748(g)), the matching requirements in section 220 of NAHA (42 U.S.C. 12750), and the set aside for housing developed, sponsored, or owned by community housing development organizations required under section 231 of NAHA (42 U.S.C. 12771) shall not apply for amounts made available under this section.

(5) REALLOCATION.—For funds provided under subparagraphs (A) and (B) of paragraph (1), the Secretary may recapture certain amounts remaining available to a grantee under this section or amounts declined by a grantee, and reallocate such amounts to other grantees under that paragraph to ensure fund expenditure, geographic diversity, and availability of funding to communities within the State from which the funds have been recaptured.

(6) ADMINISTRATION.—Notwithstanding subsections (c) and (d)(1) of section 212 of NAHA (42 U.S.C. 12742), grantees may use not more than 15 percent of their allocations under this section for administrative and planning costs.

(7) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of NAHA specified in subparagraph (A) or (B) of paragraph (1) or regulation for the administration of the amounts made available under this section, other than requirements related to tenant rights and protections, fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(8) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

(d) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.—In addition to amounts otherwise available for such purposes, there are appropriated to the Secretary of Housing and Urban Development, out of amounts in the Treasury not otherwise appropriated, $15,000,000,000, to remain available until September 30, 2029, for—

(1) incremental tenant-based rental assistance for extremely low-income families under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o));

(2) renewals of the tenant-based rental assistance described in paragraph (1); and

(3) fees for the costs of administering the tenant-based rental assistance described in paragraph (1) and other expenses relating to the use of that assistance.

(e) RENTAL ASSISTANCE FOR HOUSEHOLDS EXPERIENCING OR AT RISK OF HOMELESSNESS.—In addition to amounts otherwise available for such purposes, there are appropriated to the Secretary of Housing and Urban Development, out of amounts in the Treasury not otherwise appropriated,

$7,000,000,000, to remain available until September 30, 2029, for—

(1) incremental tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for—

(A) households experiencing or at risk of homelessness;

(B) survivors of domestic violence, dating violence, sexual assault, and stalking; and

(C) survivors of trafficking;

(2) renewals of the tenant-based rental assistance described in paragraph (1); and

(3) fees for the costs of administering the tenant-based rental assistance described in paragraph (1) and other expenses relating to the use of that assistance.

SEC. _____. COMMUNITY RESTORATION AND REVITALIZATION FUND.

(a) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated to the Community Restoration and Revitalization Fund established under subsection (b) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, for the award of grants to eligible recipients to create, expand, and maintain community land trusts and shared equity homeownership through the acquisition, rehabilitation, and new construction of affordable, accessible housing.

(b) ESTABLISHMENT OF FUND.—The Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall establish a Community Restoration and Revitalization Fund (in this section referred to as the ''Fund'') to award planning and implementation grants on a competitive basis to eligible recipients for activities authorized under subsections (a) through (g) of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) and under this section for community-led affordable housing and civic infrastructure projects.

(c) ELIGIBLE GEOGRAPHICAL AREAS, RECIPIENTS, AND APPLICANTS.—

(1) GEOGRAPHICAL AREAS.—The Secretary shall award grants from the Fund to eligible recipients within geographical areas at the neighborhood, county, or census tract level and census tracts adjacent to the project area that are areas in need of investment, as demonstrated by two or more of the following factors:

(A) High and persistent rates of poverty.

(B) Population at risk of displacement due to rising housing costs.

(C) Dwelling unit sales prices that are lower than the cost to acquire and rehabilitate, or build, a new dwelling unit.

(D) High proportions of residential and commercial properties that are vacant due to foreclosure, eviction, abandonment, or other causes.

(E) Low rates of homeownership by race and ethnicity, relative to the national homeownership rate.

(F) Served by a local, regional, or Statewide lead applicant or joint applicant described in subsection (d) with a demonstrated commitment to, and experience with, long-term affordability through a community land trust or shared equity homeownership program.

(2) ELIGIBLE RECIPIENT.—An eligible recipient of a grant under this section shall be a local partnership of a lead applicant and one or more joint applicants with the ability to administer the grant.

(d) ELIGIBLE RECIPIENTS AND APPLICANTS.—

(1) LEAD APPLICANT.—An eligible lead applicant for a grant awarded under this section shall be an entity that is located within or serves the geographic area of the project, or derives its mission and operational priorities from the needs of the geographic area of the project, demonstrates a commitment to anti-displacement efforts, and that is—

(A) a nonprofit organization that has expertise in community planning, engagement, organizing, housing and community development;

(B) a community development corporation;

(C) a community housing development organization;

(D) a community-based development organization; or

(E) a community development financial institution, as defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

(2) JOINT APPLICANTS.—A joint applicant shall be an entity eligible to be a lead applicant in paragraph (1), or a local, regional, or national—

(A) nonprofit organization;

(B) community development financial institution;

(C) unit of general local government;

(D) Indian Tribe;

(E) State housing finance agency;

(F) land bank;

(G) fair housing enforcement organization, as defined in section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a);

(H) public housing agency;

(I) tribally designated housing entity; or

(J) philanthropic organization.

(3) LACK OF LOCAL ENTITY.—A regional, State, or national nonprofit organization may serve as a lead entity if there is no local entity that meets the geographic requirements in paragraph (1).

(e) COMMUNITY LAND TRUST GRANTS AND SHARED EQUITY HOMEOWNERSHIP GRANTS.—An eligible recipient of a community land trust grant awarded under this section may use the grant—

(1) for activities to support the production, acquisition, and rehabilitation of housing for use in a community land trust or shared equity homeownership program; and

(2) to expand the capacity of the recipient to carry out the grant.

(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COMMUNITY LAND TRUST.—The term ''community land trust'' means a nonprofit organization or State or local governments or instrumentalities that—

(A) use a ground lease or deed covenant with an affordability period of at least 30 years or more to—

(i) make rental and homeownership units affordable to households; and

(ii) stipulate a preemptive option to purchase the affordable rentals or homeownership units so that the affordability of the units is preserved for successive income-eligible households; and

(B) monitor properties to ensure affordability is preserved.

(2) SHARED EQUITY HOMEOWNERSHIP PROGRAM.—The term ''shared equity homeownership program'' means a program to facilitate affordable homeownership preservation through a resale restriction program administered by a community land trust, other nonprofit organization, or State or local government or instrumentalities and that utilizes a ground lease, deed restriction, subordinate loan, or similar mechanism with provisions ensuring that the program shall—

(A) maintain the home as affordable for subsequent very low-, low-, or moderate-income families for an affordability term of at least 30 years after recordation;

(B) apply a resale formula that limits the homeowner's proceeds upon resale; and

(C) provide the program administrator or such administrator's assignee a preemptive option to purchase the homeownership unit from the homeowner at resale.

(g) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SA 5298. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—EDUCATION AND LABOR

SEC. _____. GRANTS FOR TUITION-FREE COMMUNITY COLLEGE.

Title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.) is amended by adding at the end the following:

''PART F—AMERICA'S COLLEGE PROMISE

''SEC. 785. GRANT AWARDS.

''(a) IN GENERAL.—Beginning with award year 2023–2024, from amounts appropriated to carry out this part under section 793 for any fiscal year, the Secretary shall award grants to States and eligible Tribal Colleges and Universities to pay the Federal share of expenditures needed to carry out the activities and services described in section 789.

''(b) TIMING OF GRANT AWARDS.—The Secretary shall award grant funds under subsection (a) for an award year not less than 30 days before the first day of the award year.

''SEC. 786. FEDERAL SHARE; STATE SHARE.

''(a) FEDERAL SHARE.—

''(1) IN GENERAL.—

''(A) AMOUNT.—Subject to paragraph (2), the amount of the Federal share of a grant under section 785 shall be based on a formula that provides, for each eligible student enrolled in a community college operated or controlled by the State or in an eligible Tribal College or University, a per-student amount (based on full-time equivalent enrollment) that is equal to the applicable percent described in subparagraph (B), or the percent described in paragraph (2) with respect to an eligible Tribal College or University, of—

''(i) for the 2023–2024 award year, the median resident community college tuition and fees per student in all States, not weighted for enrollment, for the most recent award year for which data are available; and

''(ii) for each subsequent award year, the amount determined under this paragraph for the preceding award year, increased by the lesser of—

''(I) a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) since the date of such determination; or

''(II) 3 percent.

''(B) APPLICABLE PERCENT.—The applicable percent for a State receiving a grant under section 785 shall be—

''(i) for the 2023–2024 award year, 100 percent;

''(ii) for the 2024–2025 award year, 95 percent;

''(iii) for the 2025–2026 award year, 90 percent;

''(iv) for the 2026–2027 award year, 85 percent; and

''(v) for the 2027–2028 award year, 80 percent.

''(2) TRIBAL COLLEGES AND UNIVERSITIES.—The amount of the Federal share for an eligible Tribal College or University receiving a grant under section 785 shall be the greater of—

''(A) 100 percent of the per-student amount determined in accordance with clause (i) or

(ii) of paragraph (1)(A), as applicable, with respect to eligible students enrolled in such eligible Tribal College or University (based on full-time equivalent enrollment); or

''(B) the amount that is 100 percent of the total amount needed to set tuition and fees to $0 for all eligible students enrolled in such eligible Tribal College or University for the 2022–2023 award year, increased by the percentage increase in the Consumer Price Index (as determined by the Secretary) between July 1, 2022, and the applicable award year, and adjusted to reflect the enrollment in such eligible Tribal College or University for such applicable award year.

''(b) STATE SHARE.—

''(1) FORMULA.—

''(A) IN GENERAL.—The State share of a grant under section 785 for each award year shall be the amount needed to pay the applicable percent described in subparagraph (B) of the median resident community college tuition and fees in all States, not weighted for enrollment, per student (based on full-time equivalent enrollment) determined in accordance with subsection (a)(1)(A)(i) for all eligible students enrolled in a community college operated or controlled by the State for such award year.

''(B) APPLICABLE PERCENT.—The applicable percent shall be—

''(i) for the 2023–2024 award year, 0 percent;

''(ii) for the 2024–2025 award year, 5 percent;

''(iii) for the 2025–2026 award year, 10 percent;

''(iv) for the 2026–2027 award year, 15 percent; and

''(v) for the 2027–2028 award year, 20 percent.

''(C) OBLIGATION TO PROVIDE SHARE.—The State shall provide the State share even if the State is able to set tuition and fees charged to eligible students attending community colleges operated or controlled by the State to $0 as required by section 788(a) without such State share.

''(D) NO DOUBLE COUNTING FUNDS.—Except with respect to funding described in paragraph (2)(A), no funds that count toward the maintenance of effort requirement under section 788(c) may also count toward the State share under this subsection.

''(E) SPECIAL RULE FOR OUTLYING AREAS AND TERRITORIES.—

''(i) IN GENERAL.—If the Secretary determines that requiring an outlying area or territory to provide a State share in accordance with this subsection would represent a substantial hardship for the outlying area or territory, the Secretary may reduce or waive the State share for such area or territory. If the Secretary so reduces or waives the amount of the State share of an outlying area or territory, the Secretary shall increase the applicable percent used to calculate the Federal share for such area or territory, in proportion to the reduction in the applicable percent used to calculate such State share.

''(ii) DEFINITION.—For the purposes of this subparagraph, the term 'outlying area or territory' means the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.

''(2) INCLUSION OF STATE FINANCIAL AID AND LOCAL FUNDS.—In the case of a State that demonstrates to the satisfaction of the Secretary that community colleges operated or controlled by such State will not experience a net reduction in total per-student revenue (including revenue derived from tuition and fees) as compared to the preceding fiscal year in such State, a State may include, as part of the State share—

''(A) any financial aid that is provided from State funds to an eligible student and that—

''(i)(I) is not awarded predominantly on the basis of merit, including programs awarded on the basis of predicted or actual academic performance or assessments; and

''(II) may be used by such student to pay any component of cost of attendance, as defined under section 472; and

''(B) any funds provided to community colleges by local governments in such State for the purpose of carrying out this part.

''(3) RELATIONSHIP TO MAINTENANCE OF EFFORT.—The inclusion of funds described in paragraph (2) as part of a State's share shall modify the maintenance of effort requirements under section 788(c) in accordance with the provisions of—

''(A) section 791(10)(B)(iii), with respect to funds included under paragraph (2)(A); and

''(B) section 791(10)(A)(ii), with respect to funds included under paragraph (2)(B).

''(4) NO IN-KIND CONTRIBUTIONS.—A State shall not include in-kind contributions for purposes of the State share described in paragraph (1).

''(c) DETERMINING NUMBER OF ELIGIBLE STUDENTS.—

''(1) IN GENERAL.—For purposes of subsections (a) and (b), the Secretary shall, in consultation with the State or eligible Tribal College or University concerned, determine the estimated number of eligible students enrolled in the community colleges operated or controlled by such State or in such eligible Tribal College or University for the applicable award year.

''(2) ADJUSTMENT OF GRANT AMOUNT.—For each year for which a State or eligible Tribal College or University receives a grant under section 785, the Secretary shall, once final enrollment data for such year are available—

''(A) in consultation with the State or eligible Tribal College or University concerned, determine the actual number of eligible students enrolled in the community colleges operated or controlled by such State or in such eligible Tribal College or University for the year covered by the grant; and

''(B) adjust the Federal share of the grant amount received by the State or eligible Tribal College or University and the State share under subsection (b) to reflect the actual number of eligible students, which may include applying the relevant adjustment to such Federal share or the State share, or both, in the subsequent award year.

''(d) COMMUNITY COLLEGES OPERATED OR CONTROLLED BY STATE TO INCLUDE COMMUNITY COLLEGES OPERATED OR CONTROLLED BY LOCAL GOVERNMENTS WITHIN THE STATE.—For purposes of this part, the term 'community college operated or controlled by a State' shall include a community college operated or controlled by a local government within such State.

''(e) INAPPLICABILITY OF STATE REQUIREMENTS TO ELIGIBLE TCUS.—The Secretary may not apply any requirements applicable only to States under this part to an eligible Tribal College or University, including the requirements under subsection (b) and subsections (b) and (c) of section 788.

''SEC. 787. APPLICATIONS.

''In order to receive a grant under section 785, a State or eligible Tribal College or University shall submit an application to the Secretary that includes—

''(1) an estimate of the number of eligible students enrolled in the community colleges operated or controlled by the State or in the eligible Tribal College or University and the cost of waiving tuition and fees for all eligible students for each award year covered by the grant;

''(2) in the case of a State, a list of each of the community colleges operated or controlled by the State;

''(3) an assurance that each community college operated or controlled by the State, or the eligible Tribal College or University, as applicable, will set community college tuition and fees for eligible students to $0 as required by section 788(a);

''(4) a description of how the State or eligible Tribal College or University will ensure that programs leading to a recognized postsecondary credential meet the quality criteria established by the State under section 122(b)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(b)(1)) or other quality criteria determined appropriate by the State or eligible Tribal College or University; and

''(5) an assurance that each community college operated or controlled by the State or the eligible Tribal College or University, as applicable, has entered into a program participation agreement under section 487.

''SEC. 788. PROGRAM REQUIREMENTS.

''(a) GENERAL REQUIREMENTS.—As a condition of receiving a grant under section 785 in each award year, a State or eligible Tribal College or University shall—

''(1) ensure that the total amount of tuition and fees charged to an eligible student attending a community college operated or controlled by the State or the eligible Tribal College or University, as applicable, is $0;

''(2) not apply financial assistance for which an eligible student qualifies to tuition or fees; and

''(3) not use any funds provided under this part for administrative purposes relating to such grant.

''(b) STATE REQUIREMENTS.—In addition to the requirements under subsection (a) and as a condition of receiving a grant under section 785, a State shall—

''(1) submit and implement a plan to align the requirements for receiving a regular high school diploma from public schools in the State with the requirements for entering credit-bearing coursework at community colleges in such State; and

''(2) not later than 3 years after the date on which the State first receives a grant under section 785, certify to the Secretary that such alignment has been achieved.

''(c) STATE MAINTENANCE OF EFFORT.—A State receiving a grant under section 785 shall be entitled to receive its full allotment of funds under this part for a fiscal year only if, for each year of the grant, the State provides—

''(1) State fiscal support for higher education per full-time equivalent student at a level equal to or exceeding the average amount of State fiscal support for higher education per full-time equivalent student provided for the 3 consecutive preceding fiscal years;

''(2) financial support for operating expenses (excluding capital expenses and research and development costs) for public 4-year institutions of higher education at a level equal to or exceeding the average amount provided for the 3 consecutive preceding State fiscal years; and

''(3) financial support for need-based financial aid at a level equal to or exceeding the average amount provided for the 3 consecutive preceding State fiscal years.

''(d) NO ADDITIONAL ELIGIBILITY REQUIREMENTS.—A State or eligible Tribal College or University that receives a grant under section 785 may not impose additional eligibility requirements on eligible students other than the requirements under this part.

''SEC. 789. ALLOWABLE USES OF FUNDS.

''(a) IN GENERAL.—Except as provided in subsection (b)—

''(1) a State shall use a grant under section 785 only to provide funds to each community college operated or controlled by the State to enable each such community college to set community college tuition and fees for eligible students to $0 as required under section 788(a); and

''(2) an eligible Tribal College or University shall use a grant under section 785 only to set community college tuition and fees for eligible students to $0 as required under section 788(a).

''(b) ADDITIONAL USES.—If a State or an eligible Tribal College or University demonstrates to the Secretary that the State or eligible Tribal College or University has grant funds remaining after meeting the demand for activities described in subsection (a), the State or eligible Tribal College or University shall use the remaining funds to carry out 1 or more of the following:

''(1) Providing need-based financial aid to students that may be used by such students to pay any component of cost of attendance, as defined under section 472.

''(2) Reducing unmet need at public 4-year institutions of higher education.

''(3) Improving student outcomes by implementing evidence-based institutional reforms or practices.

''(c) SUPPLEMENT, NOT SUPPLANT.—Except as provided in section 786(b)(2)(A), funds made available under this part shall be used to supplement, and not supplant, other Federal, State, Tribal, and local funds that would otherwise be expended to carry out activities described in this section.

''(d) CONTINUATION OF FUNDING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State or an eligible Tribal College or University receiving a grant under section 785 for an award year may continue to receive funding under this part for subsequent award years conditioned on the availability of budget authority and on meeting the requirements of the grant, as determined by the Secretary.

''(2) DISCONTINUATION.—The Secretary shall discontinue or reduce funding of the Federal share of a grant under section 785 or section 790 if the State or an eligible Tribal College or University has violated the terms of the grant.

''(e) RULE OF CONSTRUCTION REGARDING BIE FUNDS.—Nothing in this part shall be construed to impact the availability of funds from, or uses of funds provided by, the Bureau of Indian Education for Tribal Colleges and Universities.

''SEC. 790. SUPPLEMENTAL GRANTS.

''(a) IN GENERAL.—From amounts made available under subsection (f), the Secretary shall award grants, through allotments in accordance with subsection (b), to covered States for the purpose of assisting the covered States in reducing the costs of eliminating community college tuition in accordance with this part.

''(b) ALLOTMENTS.—For each fiscal year for which amounts are available under subsection (f), each covered State shall receive an allotment based on a formula developed by the Secretary that—

''(1) provides covered States with allotments under this section for each of fiscal years 2023 through 2028; and

''(2) accomplishes the purpose of this section.

''(c) USE OF FUNDS.—A covered State receiving an allotment under this section shall use the allotment to assist in paying the State share of the program under this part, as required under section 786(b).

''(d) STATE SHARE EXCEPTION.—Notwithstanding section 786 or any other provision of this part—

''(1) the Secretary shall not include amounts from allotments provided under this section in the calculation of the Federal share of a grant under section 785; and

''(2) a State may include amounts provided under this section for a fiscal year for purposes of the State share described in section 786(b).

''(e) DEFINITION OF COVERED STATE.—In this section, the term 'covered State' means a State that—

''(1) has received a grant under section 785;

''(2) applies for a supplemental grant under this section, in the manner determined by the Secretary; and

''(3) for the most recent award year for which data are available, had an average community college tuition and fees per in-State or in-district resident student, not weighted for enrollment, that is higher than the median resident community college tuition and fees per student in all States, not weighted for enrollment, for such award year.

''(f) APPROPRIATIONS.—In addition to amounts otherwise available there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2030.

''SEC. 791. DEFINITIONS.

''In this part:

''(1) CAREER PATHWAY.—The term 'career pathway' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

''(2) COMMUNITY COLLEGE.—The term 'community college' means—

''(A) a degree-granting public institution of higher education at which—

''(i) the highest degree awarded is an associate degree; or

''(ii) an associate degree is the predominant degree awarded;

''(B) an eligible Tribal College or University;

''(C) a degree-granting branch campus of a 4-year public institution of higher education, if, at such branch campus—

''(i) the highest degree awarded is an associate degree; or

''(ii) an associate degree is the predominant degree awarded; or

''(D) at the designation of the Secretary, in the case of a State that does not operate or control any institution that meets a definition under subparagraph (A) or (C), a college or similarly defined and structured academic entity—

''(i) that was in existence on July 1, 2022;

''(ii) within a 4-year public institution of higher education; and

''(iii) at which—

''(I) the highest degree awarded is an associate degree; or

''(II) an associate degree is the predominant degree awarded.

''(3) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term 'dual or concurrent enrollment program' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

''(4) EARLY COLLEGE HIGH SCHOOL.—The term 'early college high school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

''(5) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

''(A) is enrolled as an undergraduate student in an eligible program (as defined in section 481(b)) at a community college on not less than a half-time basis;

''(B) in the case of a student who is enrolled in a community college that charges different tuition rates on the basis of in-State or in-district residency, either—

''(i) qualifies for in-State or in-district resident tuition at such community college; or

''(ii) would qualify for such in-State or in-district resident tuition at such community college, but for the immigration status of such student;

''(C) has not been enrolled (whether full-time or less than full-time) for more than 6 semesters (or the equivalent) for which the community college tuition and fees of the student were set to $0 pursuant to section 788(a);

''(D) is not enrolled in a dual or concurrent enrollment program or early college high school; and

''(E) in the case of a student who is a United States citizen, has filed a Free Application for Federal Student Aid described in section 483 for the applicable award year for which the student is enrolled.

''(6) ELIGIBLE TRIBAL COLLEGE OR UNIVERSITY.—The term 'eligible Tribal College or University' means—

''(A) a 2-year Tribal College or University; or

''(B) a degree-granting Tribal College or University—

''(i) at which the highest degree awarded is an associate degree; or

''(ii) an associate degree is the predominant degree awarded.

''(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

''(8) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' has the meaning given the term in section 479.

''(9) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

''(10) STATE FISCAL SUPPORT FOR HIGHER EDUCATION.—

''(A) INCLUSIONS.—

''(i) IN GENERAL.—Except as provided in subparagraph (B), the term 'State fiscal support for higher education', used with respect to a State for a fiscal year, means an amount that is equal to—

''(I) the gross amount of applicable State funds appropriated or dedicated, and expended by the State, including funds from lottery receipts, in the fiscal year, that are used to support institutions of higher education and student financial aid for higher education in the State; and

''(II) any funds described in clause (ii), if applicable.

''(ii) LOCAL FUNDS.—In the case of a State that includes, as part of the State share under section 786(b)(2)(B) for an award year, funds provided to community colleges by local governments in such State for the purpose of carrying out this part, local funds provided to community colleges operated or controlled by such State for operating expenses (excluding capital expenses and research and development costs) shall be included in the calculation of the State fiscal support for higher education for such award year under clause (i).

''(B) EXCLUSIONS.—State fiscal support for higher education for a State for a fiscal year shall not include—

''(i) funds described in subparagraph (A) that are returned to the State;

''(ii) State-appropriated funds derived from Federal sources, including funds provided under section 786(a);

''(iii) funds that are included in the State share under section 786(b), including funds included in the State share in accordance with paragraph (2)(A) of such section;

''(iv) amounts that are portions of multiyear appropriations to be distributed over multiple years that are not to be spent for the year for which the calculation under

this paragraph is being made, subject to subparagraph (C);

''(v) tuition, fees, or other educational charges paid directly by a student to a public institution of higher education or to the State;

''(vi) funds for—

''(I) financial aid to students attending, or operating expenses of—

''(aa) out-of-State institutions of higher education;

''(bb) proprietary institutions of higher education (as defined in section 102(b)); or

''(cc) institutions of higher education not accredited by an agency or association recognized by the Secretary pursuant to section 496;

''(II) financial aid to students awarded predominantly on the basis of merit, including programs awarded on the basis of predicted or actual academic performance or assessments;

''(III) research and development; or

''(IV) hospitals, athletics, or other auxiliary enterprises;

''(vii) corporate or other private donations directed to one or more institutions of higher education permitted to be expended by the State; or

''(viii) any other funds that the Secretary determines shall not be included in the calculation of State fiscal support for higher education for such State.

''(C) ADJUSTMENTS FOR BIENNIAL APPROPRIATIONS.—The Secretary shall take into consideration any adjustments to the calculations under this paragraph that may be required to accurately reflect State fiscal support for higher education in States with biennial appropriation cycles.

''(11) STATE FISCAL SUPPORT FOR HIGHER EDUCATION PER FULL-TIME EQUIVALENT STUDENT.—The term 'State fiscal support for higher education per full-time equivalent student', when used with respect to a State for a fiscal year, means the amount that is equal to—

''(A) the State fiscal support for higher education for the previous fiscal year; divided by

''(B) the number of full-time equivalent students enrolled in public institutions of higher education in such State for such previous fiscal year.

''(12) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given such term in section 316(b)(3).

''SEC. 792. SUNSET.

''(a) IN GENERAL.—The authority to make grants under section 785 and 790 shall expire at the end of award year 2027–2028.

''(b) INAPPLICABILITY OF GEPA CONTINGENT EXTENSION OF PROGRAMS.—Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to this part.

''SEC. 793. APPROPRIATION.

''In addition to amounts otherwise available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, to remain available until September 30, 2030, for carrying out this part (except for section 790).''.

SA 5299. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, insert the following:

PART 10—END POLLUTER WELFARE ACT

SEC. 14001. SHORT TITLE.

This part may be cited as the ''End Polluter Welfare Act of 2022''.

SEC. 14002. DEFINITION OF FOSSIL FUEL.

In this part, the term ''fossil fuel'' means coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel.

SEC. 14003. ROYALTY RELIEF.

(a) IN GENERAL.—

(1) OUTER CONTINENTAL SHELF LANDS ACT.—Section 8(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(2) ENERGY POLICY ACT OF 2005.—

(A) INCENTIVES FOR NATURAL GAS PRODUCTION FROM DEEP WELLS IN THE SHALLOW WATERS OF THE GULF OF MEXICO.—Section 344 of the Energy Policy Act of 2005 (42 U.S.C. 15904) is repealed.

(B) DEEP WATER PRODUCTION.—Section 345 of the Energy Policy Act of 2005 (42 U.S.C. 15905) is repealed.

(b) FUTURE PROVISIONS.—Notwithstanding any other provision of law, royalty relief shall not be permitted under a lease issued under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337).

SEC. 14004. ROYALTIES UNDER MINERAL LEASING ACT.

(a) COAL LEASES.—Section 7(a) of the Mineral Leasing Act (30 U.S.C. 207(a)) is amended in the fourth sentence by striking ''12½ per centum'' and inserting ''18¾ percent''.

(b) LEASES ON LAND ON WHICH OIL OR NATURAL GAS IS DISCOVERED.—Section 14 of the Mineral Leasing Act (30 U.S.C. 223) is amended in the fourth sentence by striking ''12½ per centum'' and inserting ''18¾ percent''.

(c) LEASES ON LAND KNOWN OR BELIEVED TO CONTAIN OIL OR NATURAL GAS.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), in the fifth sentence, by striking ''12.5 percent'' and inserting ''18¾ percent''; and

(B) in paragraph (2)(A)(ii), by striking ''12½ per centum'' and inserting ''18¾ percent'';

(2) in subsection (c)(1), in the second sentence, by striking ''12.5 percent'' and inserting ''18¾ percent'';

(3) in subsection (l), by striking ''12½ per centum'' each place it appears and inserting ''18¾ percent''; and

(4) in subsection (n)(1)(C), by striking ''12½ per centum'' and inserting ''18¾ percent''.

SEC. 14005. ELIMINATION OF INTEREST PAYMENTS FOR ROYALTY OVERPAYMENTS.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended by adding at the end the following:

''(k) PAYMENT OF INTEREST.—Interest shall not be paid on any overpayment.''.

SEC. 14006. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES AND PIPELINE OPERATORS.

Section 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amended—

(1) in paragraph (3), by striking ''plus $75,000,000; and'' and inserting ''and the liability of the responsible party under section 1002;'';

(2) in paragraph (4)—

(A) by inserting ''(except an onshore pipeline transporting diluted bitumen, bituminous mixtures, or any oil manufactured from bitumen)'' after ''for any onshore facility''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) for any onshore facility transporting diluted bitumen, bituminous mixtures, or any oil manufactured from bitumen, the liability of the responsible party under section 1002.''.

SEC. 14007. RESTRICTIONS ON USE OF APPROPRIATED FUNDS BY INTERNATIONAL FINANCIAL INSTITUTIONS FOR PROJECTS THAT SUPPORT FOSSIL FUEL.

(a) RESCISSION OF UNOBLIGATED FUNDS.—

(1) IN GENERAL.—Of the unobligated balance of amounts appropriated or otherwise made available for a contribution of the United States to an international financial institution, an amount specified in paragraph (2) shall be rescinded if the institution provides support for a project that supports the production or use of fossil fuels.

(2) AMOUNT SPECIFIED.—The amount specified in this paragraph is an amount the Secretary of the Treasury determines to be equivalent to the amount of support provided by an international financial institution described in paragraph (1) for a project that supports the production or use of fossil fuels.

(b) PROHIBITION ON USE OF FUTURE FUNDS.—No amounts appropriated or otherwise made available for a contribution of the United States to an international financial institution may be provided to the institution unless the institution agrees to not use the amount to provide support for any project that supports the production or use of fossil fuels.

(c) INTERNATIONAL FINANCIAL INSTITUTION DEFINED.—In this section, the term ''international financial institution'' has the meaning given that term in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c)).

SEC. 14008. FOSSIL ENERGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) TERMINATION OF AUTHORITY.—Notwithstanding any other provision of law, the authority of the Secretary of Energy to carry out the Fossil Energy Research and Development Program of the Department of Energy is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the Fossil Energy Research and Development Program that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the Fossil Energy Research and Development Program shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing research of the Fossil Energy Research and Development Program, as determined by the Secretary of Energy, in consultation with other appropriate Federal agencies.

SEC. 14009. ADVANCED RESEARCH PROJECTS AGENCY—ENERGY.

None of the funds made available to the Advanced Research Projects Agency—Energy shall be used to carry out any project that supports fossil fuel.

SEC. 14010. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (2) and (10); and

(B) by redesignating paragraphs (3), (4), (5), (6), (7), (8), (9), (11), and (12) as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10), respectively;

(2) by striking subsection (c); and

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively.

(b) CONFORMING AMENDMENT.—Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 14011. RURAL UTILITY SERVICE LOAN GUARANTEES.

Notwithstanding any other provision of law, the Secretary of Agriculture may not make a loan under title III of the Rural Electrification Act of 1936 (7 U.S.C. 931 et seq.) to an applicant for the purpose of carrying out any project that will use fossil fuel.

SEC. 14012. PROHIBITION ON USE OF FUNDS BY THE UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION OR THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR FINANCING PROJECTS, TRANSACTIONS, OR OTHER ACTIVITIES THAT SUPPORT FOSSIL FUEL.

Notwithstanding any other provision of law, no amounts appropriated or otherwise made available for the United States International Development Finance Corporation or the Export-Import Bank of the United States that are available for obligation on or after the date of the enactment of this Act may be obligated or expended to support any project, transaction, or other activity that supports the production or use of fossil fuels.

SEC. 14013. TRANSPORTATION FUNDS FOR GRANTS, LOANS, LOAN GUARANTEES, AND OTHER DIRECT ASSISTANCE.

Notwithstanding any other provision of law, any amounts made available to the Department of Transportation (including the Federal Railroad Administration) may not be used to award any grant, loan, loan guarantee, or provide any other direct assistance to any rail facility or port project that transports fossil fuel.

SEC. 14014. ELIMINATION OF EXCLUSION OF CERTAIN LENDERS AS OWNERS OR OPERATORS UNDER CERCLA.

Section 101(20)(F) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)(F)) is amended by adding at the end the following:

''(iii) INELIGIBLE LENDERS.—The exclusions under clauses (i) and (ii) shall not apply to a person that is a lender that is—

''(I) an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.), investment adviser (as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a))), or broker or dealer (as those terms are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))) with $250,000,000,000 or more in assets under management; or

''(II) a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841)) with $10,000,000,000 or more in total consolidated assets.''.

SEC. 14015. TERMINATION OF VARIOUS TAX EXPENDITURES RELATING TO FOSSIL FUELS.

(a) IN GENERAL.—Subchapter C of chapter 80 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7875. TERMINATION OF CERTAIN PROVISIONS RELATING TO FOSSIL-FUEL INCENTIVES.

''(a) IN GENERAL.—The following provisions shall not apply to taxable years beginning after the date of the enactment of the End Polluter Welfare Act of 2022:

''(1) Section 43 (relating to enhanced oil recovery credit).

''(2) Section 45I (relating to credit for producing oil and natural gas from marginal wells).

''(3) Section 461(i)(2) (relating to special rule for spudding of oil or natural gas wells).

''(4) Section 469(c)(3)(A) (relating to working interests in oil and natural gas property).

''(5) Section 613A (relating to limitations on percentage depletion in case of oil and natural gas wells).

''(b) PROVISIONS RELATING TO PROPERTY.—The following provisions shall not apply to property placed in service after the date of the enactment of the End Polluter Welfare Act of 2022:

''(1) Section 168(e)(3)(C)(iii) (relating to classification of certain property).

''(2) Section 169 (relating to amortization of pollution control facilities) with respect to any atmospheric pollution control facility.

''(c) PROVISIONS RELATING TO COSTS AND EXPENSES.—The following provisions shall not apply to costs or expenses paid or incurred after the date of the enactment of the End Polluter Welfare Act of 2022:

''(1) Section 179B (relating to deduction for capital costs incurred in complying with Environmental Protection Agency sulfur regulations).

''(2) Section 468 (relating to special rules for mining and solid waste reclamation and closing costs).

''(d) ALLOCATED CREDITS.—No new credits shall be certified under section 48A (relating to qualifying advanced coal project credit) or section 48B (relating to qualifying gasification project credit) after the date of the enactment of the End Polluter Welfare Act of 2022.

''(e) ARBITRAGE BONDS.—Section 148(b)(4) (relating to safe harbor for prepaid natural gas) shall not apply to obligations issued after the date of the enactment of the End Polluter Welfare Act of 2022.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 613(d) of the Internal Revenue Code of 1986 is amended by striking ''Except as provided in section 613A, in the case'' and inserting ''In the case''.

(2) The table of sections for subchapter C of chapter 90 of such Code is amended by adding at the end the following new item:

''Sec. 7875. Termination of certain provisions relating to fossil-fuel incentives.''.

SEC. 14016. TERMINATION OF CERTAIN DEDUCTIONS AND CREDITS RELATED TO FOSSIL FUELS.

(a) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.—Section 168(k) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(11) FOSSIL FUEL PROPERTY.—

''(A) IN GENERAL.—This subsection shall not apply with respect to any property which is primarily used for fossil fuel activities and is placed in service during any taxable year beginning after the date of the enactment of the End Polluter Welfare Act of 2022.

''(B) FOSSIL FUEL ACTIVITIES.—For purposes of this paragraph, the term 'fossil fuel activities' means the exploration, development, mining or production, processing, refining, transportation (including pipelines transporting gas, oil, or products thereof), distribution, or marketing of coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel.

''(C) EXCEPTION.—The property described in subparagraph (A) shall not include any motor vehicle service station or convenience store which does not qualify as a retail motor fuels outlet under subsection (e)(3)(E)(iii).''.

(b) QUALIFIED BUSINESS INCOME.—Section 199A(c)(3)(B) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(viii) Any item of gain or loss derived from fossil fuel activities (as defined in section 168(k)(11)(B)) during any taxable year beginning after the date of the enactment of the End Polluter Welfare Act of 2022.''.

(c) CREDIT FOR INCREASING RESEARCH ACTIVITIES.—Section 41(d)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(I) FOSSIL FUEL ACTIVITIES.—Any research related to fossil fuel activities (as defined in section 168(k)(11)(B)) which is conducted after the date of the enactment of the End Polluter Welfare Act of 2022.''.

(d) FOREIGN-DERIVED INTANGIBLE INCOME.—Subclause (V) of section 250(b)(3)(A)(i) of the Internal Revenue Code of 1986 is amended to read as follows:

''(V) any income derived from fossil fuel activities (as defined in section 168(k)(11)(B)) during any taxable year beginning after the date of the enactment of the End Polluter Welfare Act of 2022, and''.

(e) EXCHANGE OF REAL PROPERTY HELD FOR PRODUCTIVE USE OR INVESTMENT.—Section 1031(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) EXCEPTIONS.—This subsection shall not apply to—

''(A) any exchange of real property held primarily for sale, or

''(B) any exchange of real property which—

''(i) is used for fossil fuel activities (as defined in section 168(k)(11)(B)), and

''(ii) occurs after the date of the enactment of the End Polluter Welfare Act of 2022.''.

SEC. 14017. UNIFORM SEVEN-YEAR AMORTIZATION FOR GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''24-month period'' each place it appears in paragraphs (1) and (4) and inserting ''84-month period'';

(2) by striking paragraph (2) and inserting the following:

''(2) MID-MONTH CONVENTION.—For purposes of paragraph (1), any payment paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month.''; and

(3) by striking paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 14018. NATURAL GAS GATHERING LINES TREATED AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(E) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (vi), by striking the period at the end of clause (vii) and inserting '', and'', and by adding at the end the following new clause:

''(viii) any natural gas gathering line the original use of which commences with the taxpayer after the date of the enactment of this clause.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subparagraph (E)(vii) the following new item:

''(E)(viii) ..... 22''.

(c) CONFORMING AMENDMENT.—Clause (iv) of section 168(e)(3)(C) of the Internal Revenue Code of 1986 is amended by inserting ''and on or before the date of the enactment of the End Polluter Welfare Act of 2022'' after ''April 11, 2005''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service on and after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer or a related party has entered into a binding contract for the construction thereof on or before the date of the introduction of this Act,

or, in the case of self-constructed property, has started construction on or before such date.

SEC. 14019. TERMINATION OF LAST-IN, FIRST-OUT METHOD OF INVENTORY FOR OIL, NATURAL GAS, AND COAL COMPANIES.

(a) IN GENERAL.—Section 472 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) TERMINATION FOR OIL, NATURAL GAS, AND COAL COMPANIES.—Subsection (a) shall not apply to any taxpayer that is in the trade or business of the production, refining, processing, transportation, or distribution of oil, natural gas, or coal for any taxable year beginning after the date of enactment of the End Polluter Welfare Act of 2022.''.

(b) ADDITIONAL TERMINATION.—Section 473 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) TERMINATION FOR OIL, NATURAL GAS, AND COAL COMPANIES.—This section shall not apply to any taxpayer that is in the trade or business of the production, refining, processing, transportation, or distribution of oil, natural gas, or coal for any taxable year beginning after the date of enactment of the End Polluter Welfare Act of 2022.''.

(c) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year beginning after the date of enactment of this Act—

(1) such change shall be treated as initiated by the taxpayer; and

(2) such change shall be treated as made with the consent of the Secretary of the Treasury.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

SEC. 14020. REPEAL OF PERCENTAGE DEPLETION FOR COAL AND HARD MINERAL FOSSIL FUELS.

(a) IN GENERAL.—Section 613 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) TERMINATION WITH RESPECT TO COAL AND HARD MINERAL FOSSIL FUELS.—In the case of coal, lignite, and oil shale (other than oil shale described in subsection (b)(5)), the allowance for depletion shall be computed without reference to this section for any taxable year beginning after the date of the enactment of the End Polluter Welfare Act of 2022.''.

(b) CONFORMING AMENDMENTS.—

(1) COAL AND LIGNITE.—Section 613(b)(4) of the Internal Revenue Code of 1986 is amended by striking ''coal, lignite,''.

(2) OIL SHALE.—Section 613(b)(2) of such Code is amended to read as follows:

''(2) 15 PERCENT.—If, from deposits in the United States, gold, silver, copper, and iron ore.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 14021. TERMINATION OF CAPITAL GAINS TREATMENT FOR ROYALTIES FROM COAL.

(a) IN GENERAL.—Subsection (c) of section 631 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''coal (including lignite), or iron ore'' and inserting ''iron ore'';

(2) by striking ''coal or iron ore'' each place it appears and inserting ''iron ore'';

(3) by striking ''iron ore or coal'' each place it appears and inserting ''iron ore''; and

(4) by striking ''COAL OR'' in the heading.

(b) CONFORMING AMENDMENTS.—

(1) The heading of section 631 of the Internal Revenue Code of 1986 is amended by striking '', COAL,''.

(2) Section 1231(b)(2) of such Code is amended by striking '', coal,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after the date of the enactment of this Act.

SEC. 14022. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO OIL AND GAS INDUSTRY TAXPAYERS RECEIVING SPECIFIC ECONOMIC BENEFITS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued to a foreign country or possession of the United States for any period by a dual capacity taxpayer which is in the trade or business of the production, refining, processing, transportation, or distribution of fossil fuel shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if no amount other than the amount required to be paid by such taxpayer under the generally applicable income tax imposed by the country or possession were paid or accrued by such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are—

''(I) citizens or residents of the foreign country or possession, or

''(II) organized or incorporated under the laws of the foreign country or possession.

''(4) FOSSIL FUEL.—For purposes of this subsection, the term 'fossil fuel' means coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(c) SPECIAL RULE FOR TREATIES.—Notwithstanding sections 894 or 7852(d) of the Internal Revenue Code of 1986, the amendments made by this section shall apply without regard to any treaty obligation of the United States.

SEC. 14023. INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Section 4611 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (c)(2)(B)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following:

''(iii) in the case of crude oil received or petroleum products entered after December 31, 2021, 10 cents a barrel.''; and

(2) by striking subsection (f) and inserting the following:

''(f) APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—The Oil Spill Liability Trust Fund financing rate under subsection (c) shall apply on and after April 1, 2006, or if later, the date which is 30 days after the last day of any calendar quarter for which the Secretary estimates that, as of the close of that quarter, the unobligated balance in the Oil Spill Liability Trust Fund is less than $2,000,000,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil received and petroleum products entered after December 31, 2021.

SEC. 14024. APPLICATION OF CERTAIN ENVIRONMENTAL TAXES TO SYNTHETIC CRUDE OIL.

(a) IN GENERAL.—Paragraph (1) of section 4612(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) CRUDE OIL.—

''(A) IN GENERAL.—The term 'crude oil' includes crude oil condensates, natural gasoline, and synthetic crude oil.

''(B) SYNTHETIC CRUDE OIL.—For purposes of subparagraph (A), the term 'synthetic crude oil' means—

''(i) any bitumen and bituminous mixtures,

''(ii) any oil derived from bitumen and bituminous mixtures (including oil derived from tar sands),

''(iii) any liquid fuel derived from coal, and

''(iv) any oil derived from kerogen-bearing sources (including oil derived from oil shale).''.

(b) REGULATORY AUTHORITY TO ADDRESS OTHER TYPES OF CRUDE OIL AND PETROLEUM PRODUCTS.—Subsection (a) of section 4612 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(10) REGULATORY AUTHORITY TO ADDRESS OTHER TYPES OF CRUDE OIL AND PETROLEUM PRODUCTS.—Under such regulations as the Secretary may prescribe, the Secretary may include as crude oil or as a petroleum product subject to tax under section 4611, any fuel feedstock or finished fuel product customarily transported by pipeline, vessel, railcar, or tanker truck if the Secretary determines that—

''(A) the classification of such fuel feedstock or finished fuel product is consistent with the definition of oil under the Oil Pollution Act of 1990, and

''(B) such fuel feedstock or finished fuel product is produced in sufficient commercial quantities as to pose a significant risk of hazard in the event of a discharge.''.

(c) TECHNICAL AMENDMENT.—Paragraph (2) of section 4612(a) of the Internal Revenue Code of 1986 is amended by striking ''from a well located''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to oil and petroleum products received or entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

SEC. 14025. DENIAL OF DEDUCTION FOR REMOVAL COSTS AND DAMAGES FOR CERTAIN OIL SPILLS.

(a) IN GENERAL.—Section 162(f) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5) EXPENSES FOR REMOVAL COSTS AND DAMAGES RELATING TO CERTAIN OIL SPILL LIABILITY.—Notwithstanding paragraphs (2) and (3), no deduction shall be allowed under this chapter for any costs or damages for which the taxpayer is liable under section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any liability arising in taxable years ending after the date of the enactment of this Act.

SEC. 14026. TAX ON CRUDE OIL AND NATURAL GAS PRODUCED FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

''CHAPTER 56—TAX ON SEVERANCE OF CRUDE OIL AND NATURAL GAS FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO

''Sec. 5901. Imposition of tax.
''Sec. 5902. Taxable crude oil or natural gas and removal price.
''Sec. 5903. Special rules and definitions.

''SEC. 5901. IMPOSITION OF TAX.

''(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed a tax equal to 13 percent of the removal price of any taxable crude oil or natural gas removed from the premises during any taxable period.

''(b) CREDIT FOR FEDERAL ROYALTIES PAID.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by subsection (a) with respect to the production of any taxable crude oil or natural gas an amount equal to the aggregate amount of royalties paid under Federal law with respect to such production.

''(2) LIMITATION.—The aggregate amount of credits allowed under paragraph (1) to any taxpayer for any taxable period shall not exceed the amount of tax imposed by subsection (a) for such taxable period.

''(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil or natural gas.

''SEC. 5902. TAXABLE CRUDE OIL OR NATURAL GAS AND REMOVAL PRICE.

''(a) TAXABLE CRUDE OIL OR NATURAL GAS.—For purposes of this chapter, the term 'taxable crude oil or natural gas' means crude oil or natural gas which is produced from Federal submerged lands on the outer Continental Shelf in the Gulf of Mexico pursuant to a lease entered into with the United States which authorizes the production.

''(b) REMOVAL PRICE.—For purposes of this chapter—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means—

''(A) in the case of taxable crude oil, the amount for which a barrel of such crude oil is sold, and

''(B) in the case of taxable natural gas, the amount per 1,000 cubic feet for which such natural gas is sold.

''(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

''(3) OIL OR NATURAL GAS REMOVED FROM PROPERTY BEFORE SALE.—If crude oil or natural gas is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

''(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

''(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

''SEC. 5903. SPECIAL RULES AND DEFINITIONS.

''(a) ADMINISTRATIVE REQUIREMENTS.—

''(1) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide for the withholding and deposit of the tax imposed under section 5901 on a quarterly basis.

''(2) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5901 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil or natural gas) with respect to such oil as the Secretary may by regulations prescribe.

''(3) TAXABLE PERIODS; RETURN OF TAX.—

''(A) TAXABLE PERIOD.—Except as provided by the Secretary, each calendar year shall constitute a taxable period.

''(B) RETURNS.—The Secretary shall provide for the filing, and the time for filing, of the return of the tax imposed under section 5901.

''(b) DEFINITIONS.—For purposes of this chapter—

''(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil or natural gas.

''(2) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

''(3) PREMISES AND CRUDE OIL PRODUCT.—The terms 'premises' and 'crude oil product' have the same meanings as when used for purposes of determining gross income from the property under section 613.

''(c) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil or natural gas from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil or natural gas removed.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.''.

(b) DEDUCTIBILITY OF TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (4) the following new paragraph:

''(5) The tax imposed by section 5901(a) (after application of section 5901(b)) on the severance of crude oil or natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end the following new item:

''CHAPTER 56. Tax on severance of crude oil and natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil or natural gas removed after December 31, 2021.

SEC. 14027. REPEAL OF CORPORATE INCOME TAX EXEMPTION FOR PUBLICLY TRADED PARTNERSHIPS WITH QUALIFYING INCOME AND GAINS FROM ACTIVITIES RELATING TO FOSSIL FUELS.

(a) IN GENERAL.—Section 7704(d)(1) of the Internal Revenue Code of 1986 is amended by inserting ''or any coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel'' after ''section 613(b)(7)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 14028. AMORTIZATION OF QUALIFIED TERTIARY INJECTANT EXPENSES.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) AMORTIZATION OF QUALIFIED TERTIARY INJECTANT EXPENSES.—

''(1) IN GENERAL.—Any qualified tertiary injectant expenses paid or incurred by the taxpayer shall be allowed as a deduction ratably over the 84-month period beginning on the date that such expense was paid or incurred.

''(2) MID-MONTH CONVENTION.—For purposes of paragraph (1), any expenses paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month.''; and

(2) by striking subsection (c) and inserting the following:

''(c) EXCLUSIVE METHOD.—Except as provided in this section, no depreciation or amortization deduction shall be allowed with respect to qualified tertiary injectant expenses.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14029. AMORTIZATION OF DEVELOPMENT EXPENDITURES.

(a) IN GENERAL.—Section 616 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 616. AMORTIZATION OF DEVELOPMENT EXPENDITURES.

''(a) IN GENERAL.—Any expenditures paid or incurred for the development of a mine or other natural deposit (other than an oil or gas well) if paid or incurred after the existence of ores or minerals in commercially marketable quantities has been disclosed shall be allowed as a deduction ratably over the 84-month period beginning on the date that such expenditure was paid or incurred.

''(b) MID-MONTH CONVENTION.—For purposes of subsection (a), any expenditures paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month.

''(c) EXCLUSIVE METHOD.—Except as provided in this section, no depreciation or amortization deduction shall be allowed with respect to expenditures described in subsection (a).

''(d) TREATMENT UPON ABANDONMENT.—If any property with respect to which expenditures described in subsection (a) are paid or incurred is retired or abandoned during the 84-month period described in such subsection, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this section shall continue with respect to such payment.''.

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 616 in the table of sections for part I of subchapter I of chapter 1 of the Internal Revenue Code of 1986 is amended to read as follows:

''Sec. 616. Amortization of development expenditures.''.

(2) Section 56(a)(2)(A) of such Code is amended by striking ''616(a) or''.

(3) Section 59(e) of such Code is amended—

(A) in paragraph (2)—

(i) in subparagraph (C), by inserting ''or'' at the end;

(ii) by striking subparagraph (D); and

(iii) by redesignating subparagraph (E) as subparagraph (D); and

(B) in paragraph (5)(A), by striking '', 616(a),''.

(4) Section 263(a)(1) of such Code is amended by striking subparagraph (A).

(5) Section 263A(c)(3) of such Code is amended by striking ''616,''.

(6) Section 291(b) of such Code is amended—

(A) in paragraph (1)(B), by striking ''616(a) or'';

(B) in paragraph (2), by striking '', 616(a),''; and

(C) in paragraph (3), by striking '', 616(a),''.

(7) Section 312(n)(2)(B) of such Code is amended by striking ''616(a) or''.

(8) Section 381(c) of such Code is amended by striking paragraph (10).

(9) Section 1016(a) of such Code is amended by striking paragraph (9).

(10) Section 1254(a)(1)(A)(i) of such Code is amended by striking '', 616,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14030. AMORTIZATION OF CERTAIN MINING EXPLORATION EXPENDITURES.

(a) IN GENERAL.—Section 617 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 617. AMORTIZATION OF CERTAIN MINING EXPLORATION EXPENDITURES.

''(a) IN GENERAL.—Any expenditures paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral, and paid or incurred before the beginning of the development stage of the mine, shall be allowed as a deduction ratably over the 84-month period beginning on the date that such expense was paid or incurred.

''(b) MID-MONTH CONVENTION.—For purposes of subsection (a), any expenditures paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month.

''(c) EXCLUSIVE METHOD.—Except as provided in this section, no depreciation or amortization deduction shall be allowed with respect to expenditures described in subsection (a).

''(d) TREATMENT UPON ABANDONMENT.—If any property with respect to which expenditures described in subsection (a) are paid or incurred is retired or abandoned during the 84-month period described in such subsection, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this section shall continue with respect to such payment.''.

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 617 in the table of sections for part I of subchapter I of chapter 1 of the Internal Revenue Code of 1986 is amended to read as follows:

''Sec. 617. Amortization of certain mining exploration expenditures.''.

(2) Section 56(a) of such Code, as amended by section 14029(b)(2), is amended by striking paragraph (2).

(3) Section 59(e) of such Code, as amended by section 14029(b)(3), is amended—

(A) in paragraph (2)—

(i) in subparagraph (B), by inserting ''or'' at the end;

(ii) in subparagraph (C), by striking the comma at the end and inserting a period; and

(iii) by striking subparagraph (D); and

(B) by striking paragraph (5) and inserting the following:

''(5) DISPOSITIONS.—In the case of any disposition of property to which section 1254 applies (determined without regard to this section), any deduction under paragraph (1) with respect to amounts which are allocable to such property shall, for purposes of section 1254, be treated as a deduction allowable under section 263(c).''.

(4) Section 170(e) of such Code is amended—

(A) in paragraph (1), by striking ''617(d)(1),''; and

(B) in paragraph (3)(D), by striking ''617,''.

(5) Section 263A(c)(3) of such Code, as amended by section 14029(b)(5), is amended by striking ''291(b)(2), or 617'' and inserting ''or 291(b)(2)''.

(6) Section 291(b) of such Code, as amended by section 14029(b)(6), is amended—

(A) in the heading, by striking ''AND MINERAL EXPLORATION AND DEVELOPMENT COSTS'';

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In the case of an integrated oil company, the amount allowable as a deduction for any taxable year (determined without regard to this section) under section 263(c) shall be reduced by 30 percent.'';

(C) in paragraph (2), by striking ''or 617(a) (as the case may be)''; and

(D) in paragraph (3), by striking ''or 617(a) (whichever is appropriate)''.

(7) Section 312(n), as amended by section 14029(b)(7), is amended by striking paragraph (2) and inserting the following:

''(2) INTANGIBLE DRILLING COSTS.—Any amount allowable as a deduction under section 263(c) in determining taxable income (other than costs incurred in connection with a nonproductive well)—

''(A) shall be capitalized, and

''(B) shall be allowed as a deduction ratably over the 60-month period beginning with the month in which such amount was paid or incurred.''.

(8) Section 703(b) of such Code is amended—

(A) in paragraph (1), by adding ''or'' at the end;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(9) Section 751(c) of such Code is amended—

(A) by inserting '', as in effect on the day before the date of the enactment of the End Polluter Welfare Act of 2022'' after ''section 617(f)(2)''; and

(B) by striking ''617(d)(1),''.

(10) Section 1254(a)(1)(A)(i) of such Code, as amended by section 14029(b)(10), is amended by striking ''or 617''.

(11) Paragraph (2) of section 1363(c) of such Code is amended to read as follows:

''(2) EXCEPTION.—In the case of an S corporation, elections under section 901 (relating to taxes of foreign countries and possessions of the United States) shall be made by each shareholder separately.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14031. AMORTIZATION OF INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS AND GEOTHERMAL WELLS.

(a) IN GENERAL.—Subsection (c) of section 263 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS AND GEOTHERMAL WELLS.—Notwithstanding subsection (a), and except as provided in subsection (i), in the case of any expenses paid or incurred in connection with intangible drilling and development costs related to oil and gas wells and wells drilled for any geothermal deposit (as defined in section 613(e)(2))—

''(1) such expenses shall be allowed as a deduction ratably over the 84-month period beginning on the date that such expense was paid or incurred,

''(2) any such expenses paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month,

''(3) except as provided in this subsection, no depreciation or amortization deduction shall be allowed with respect to such expenses, and

''(4) if any property with respect to which such intangible drilling and development costs are paid or incurred is retired or abandoned during such 84-month period, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this subsection shall continue with respect to such payment.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986 is amended by striking ''263(c) or''.

(2) Section 59(e) of such Code, as amended by sections 14029 and 14030, is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or'' at the end;

(ii) in subparagraph (B), by striking the comma at the end and inserting a period; and

(iii) by striking subparagraph (C); and

(B) by striking paragraph (5).

(3) Section 263A(c)(3) of such Code, as amended by sections 14029 and 14030, is amended by striking ''263(c),''.

(4) Section 291 of such Code, as amended by sections 14029 and 14030, is amended by striking subsection (b).

(5) Section 312(n) of such Code, as amended by sections 14029 and 14030, is amended by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14032. PERMANENT EXCISE TAX RATE FOR FUNDING OF BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''$1.10'' and inserting ''$1.38''; and

(B) in paragraph (2), by striking ''$.55'' and inserting ''$0.69''; and

(2) by striking subsection (e).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply on and after the first day of the first calendar month beginning after the date of the enactment of this Act.

SEC. 14033. TERMINATION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT ELIGIBILITY FOR REFINED COAL.

Section 45(e)(8)(A)(ii)(II) of the Internal Revenue Code of 1986 is amended by inserting ''and before the date of enactment of the End Polluter Welfare Act of 2022'' after ''such taxable year''.

SEC. 14034. TREATMENT OF FOREIGN OIL RELATED INCOME AS SUBPART F INCOME.

(a) IN GENERAL.—Section 954(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) the foreign base company oil related income for the taxable year (determined under subsection (g) and reduced as provided in subsection (b)(5)).''.

(b) FOREIGN BASE COMPANY OIL RELATED INCOME.—Section 954 of the Internal Revenue

Code of 1986 is amended by inserting after subsection (e) the following new subsection:

''(g) FOREIGN BASE COMPANY OIL RELATED INCOME.—For purposes of this section—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'foreign base company oil related income' means foreign oil related income (within the meaning of paragraphs (2) and (3) of section 907(c)) other than income derived from a source within a foreign country in connection with—

''(A) oil or gas which was extracted from an oil or gas well located in such foreign country, or

''(B) oil, gas, or a primary product of oil or gas which is sold by the foreign corporation or a related person for use or consumption within such country or is loaded in such country on a vessel or aircraft as fuel for such vessel or aircraft.

Such term shall not include any foreign personal holding company income (as defined in subsection (c)).

''(2) PARAGRAPH (1) APPLIES ONLY WHERE CORPORATION HAS PRODUCED 1,000 BARRELS PER DAY OR MORE.—

''(A) IN GENERAL.—The term 'foreign base company oil related income' shall not include any income of a foreign corporation if such corporation is not a large oil producer for the taxable year.

''(B) LARGE OIL PRODUCER.—For purposes of subparagraph (A), the term 'large oil producer' means any corporation if, for the taxable year or for the preceding taxable year, the average daily production of foreign crude oil and natural gas of the related group which includes such corporation equaled or exceeded 1,000 barrels.

''(C) RELATED GROUP.—The term 'related group' means a group consisting of the foreign corporation and any other person who is a related person with respect to such corporation.

''(D) AVERAGE DAILY PRODUCTION OF FOREIGN CRUDE OIL AND NATURAL GAS.—For purposes of this paragraph, the average daily production of foreign crude oil or natural gas of any related group for any taxable year (and the conversion of cubic feet of natural gas into barrels) shall be determined under rules similar to the rules of section 613A (as in effect on the day before the date of enactment of the End Polluter Welfare Act of 2022) except that only crude oil or natural gas from a well located outside the United States shall be taken into account.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 952(c)(1)(B)(iii) of the Internal Revenue Code of 1986 is amended by redesignating subclauses (I) through (IV) as subclause (II) through (V), respectively, and by inserting before subclause (II) (as so redesignated) the following:

''(I) foreign base company oil related income,''.

(2) Section 954(b) of such Code is amended—

(A) by inserting at the end of paragraph (4) the following: ''The preceding sentence shall not apply to foreign base company oil-related income described in subsection (a)(4).'';

(B) by striking ''and the foreign base company services income'' in paragraph (5) and inserting ''the foreign base company services income, and the foreign base company oil related income''; and

(C) by adding at the end the following new paragraph:

''(6) FOREIGN BASE COMPANY OIL RELATED INCOME NOT TREATED AS ANOTHER KIND OF BASE COMPANY INCOME.—Income of a corporation which is foreign base company oil related income shall not be considered foreign base company income of such corporation under paragraph (2) or (3) of subsection (a).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act and to taxable years of United States shareholders ending with or within which such taxable years of foreign corporations end.

SEC. 14035. REPEAL OF EXCLUSION OF FOREIGN OIL AND GAS EXTRACTION INCOME FROM THE DETERMINATION OF TESTED INCOME.

(a) IN GENERAL.—Section 951A(c)(2)(A)(i) of the Internal Revenue Code of 1986 is amended—

(1) by adding ''and'' at the end of subclause (III);

(2) by striking ''and'' at the end of subclause (IV) and inserting ''over''; and

(3) by striking subclause (V).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 14036. POWDER RIVER BASIN.

(a) DESIGNATION OF THE POWDER RIVER BASIN AS A COAL PRODUCING REGION.—As soon as practicable after the date of enactment of this Act, the Director of the Bureau of Land Management shall designate the Powder River Basin as a coal producing region.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the Bureau of Land Management shall submit to Congress a report that includes—

(1) a study of the fair market value and the amount and effective rate of royalties paid on coal leases in the Powder River Basin compared to other national and international coal basins and markets; and

(2) any policy recommendations to capture the future market value of the coal leases in the Powder River Basin.

SEC. 14037. STUDY AND ELIMINATION OF ADDITIONAL FOSSIL FUEL SUBSIDIES.

(a) DEFINITION OF FOSSIL-FUEL PRODUCTION SUBSIDY.—In this section, the term ''subsidy for fossil-fuel production'' means any direct funding, tax treatment or incentive, risk-reduction benefit, financing assistance or guarantee, royalty relief, or other provision that provides a financial benefit to a fossil-fuel company for the production of fossil fuels.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury or the Secretary's delegate (referred to in this section as the ''Secretary''), in coordination with the Secretary of Energy, shall submit to Congress a report detailing each Federal law (including regulations), other than those amended by this Act, as in effect on the date on which the report is submitted, that includes a subsidy for fossil-fuel production.

(c) REPORT ON MODIFIED RECOVERY PERIOD.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Commissioner of Internal Revenue, shall submit to Congress a report on the applicable recovery period under the accelerated cost recovery system provided in section 168 of the Internal Revenue Code of 1986 for each type of property involved in fossil-fuel production, including pipelines, power generation property, refineries, and drilling equipment, to determine if any assets are receiving a subsidy for fossil-fuel production.

(2) ELIMINATION OF SUBSIDY.—In the case of any type of property that the Secretary determines is receiving a subsidy for fossil-fuel production under such section 168, for property placed in service in taxable years beginning after the date of such determination, such section 168 shall not apply. The preceding sentence shall not apply to any property with respect to a taxable year unless such determination is published before the first day of such taxable year.

SA 5300. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. UNIVERSAL PRESCHOOL.

(a) DEFINITIONS.—In this section:

(1) CHILD EXPERIENCING HOMELESSNESS.—The term ''child experiencing homelessness'' means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(2) CHILD WITH A DISABILITY.—The term ''child with a disability'' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(3) COMPREHENSIVE SERVICES.—The term ''comprehensive services'' means services that are provided to children and their families, and that are health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary, within the meaning of section 636 of the Head Start Act (42 U.S.C. 9831).

(4) DUAL LANGUAGE LEARNER.—The term ''dual language learner'' means a child who is learning 2 or more languages at the same time, or a child who is learning a second language while continuing to develop the child's first language.

(5) ELIGIBLE CHILD.—The term ''eligible child'' means a child who is age 3 or 4, on the date established by the applicable local educational agency for kindergarten entry.

(6) ELIGIBLE PROVIDER.—The term ''eligible provider'' means—

(A) a local educational agency, acting alone or in a consortium or in collaboration with an educational service agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), that is licensed by the State or meets comparable health and safety standards;

(B) a Head Start agency or delegate agency funded under the Head Start Act;

(C) a licensed center-based child care provider, licensed family child care provider, or network of licensed family child care providers; or

(D) a consortium of entities described in any of subparagraphs (A), (B), and (C).

(7) HEAD START AGENCY.—The term ''Head Start agency'', as used in paragraph (6)(B), or subsection (c)(5)(D) or (f)(1), means an entity designated as a Head Start agency under section 641(a)(1) of the Head Start Act or as an Early Head Start agency (by receiving a grant) under section 645A(a) of such Act.

(8) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(9) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) POVERTY LINE.—The term ''poverty line'' means the poverty line defined and revised as described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(12) STATE.—The term ''State'' means each of the several States and the District of Columbia.

(13) TERRITORY.—The term ''territory'' means each of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(14) TRIBAL ORGANIZATION.—The term ''Tribal organization'' has the meaning given the term ''tribal organization'' in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(b) UNIVERSAL PRESCHOOL.—

(1) APPROPRIATIONS FOR STATES.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2023, out of any money in the Treasury not otherwise appropriated—

(i) $3,200,000,000, to remain available until September 30, 2028, for payments to States, for carrying out subsection (d) beginning in fiscal year 2023;

(ii) $800,000,000, to remain available until September 30, 2028, for payments to States, for carrying out subsections (c)(3) and (d) beginning in fiscal year 2023;

(iii) $4,800,000,000, to remain available until September 30, 2028, for payments to States, for carrying out subsection (d) beginning in fiscal year 2024;

(iv) $1,200,000,000, to remain available until September 30, 2028, for payments to States, for carrying out subsections (c)(3) and (d) beginning in fiscal year 2024;

(v) $6,400,000,000, to remain available until September 30, 2028, for payments to States, for carrying out subsection (d) beginning in fiscal year 2025; and

(vi) $1,600,000,000 to remain available until September 30, 2028, for payments to States, for carrying out subsections (c)(3) and (d) beginning in fiscal year 2025.

(B) ADDITIONAL APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2026 through 2028, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)).

(2) ADDITIONAL APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2023, out of any money in the Treasury not otherwise appropriated—

(A) $2,500,000,000, to remain available until September 30, 2028, for carrying out payments to Indian Tribes and Tribal organizations for activities described in this section;

(B) $1,250,000,000, to remain available until September 30, 2028, for carrying out payments to the territories, to be distributed among the territories on the basis of their relative need, as determined by the Secretary in accordance with the objectives of this section, for activities described in this section;

(C) $300,000,000, to remain available until September 30, 2028, for carrying out payments to eligible local entities that serve children in families who are engaged in migrant or seasonal agricultural labor, for activities described in this section;

(D)(i) $165,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2023;

(ii) $200,000,000 to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2024;

(iii) $200,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2025;

(iv) $208,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2026;

(v) $212,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2027; and

(vi) $216,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2028;

(E)(i) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2023;

(ii) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2024;

(iii) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2025;

(iv) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2026;

(v) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2027; and

(vi) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2028;

(F) $9,500,000,000, to remain available until September 30, 2028, to carry out the program of grants to localities described in subsection (f)(2); and

(G) $9,500,000,000, to remain available until September 30, 2028, to carry out the program of awards to Head Start agencies described in subsection (f)(3).

(c) PAYMENTS FOR STATE UNIVERSAL PRESCHOOL SERVICES.—

(1) IN GENERAL.—A State that has submitted, and had approved by the Secretary in collaboration with the Secretary of Education, the State plan described in paragraph (5) is entitled to a payment under this subsection.

(2) PAYMENTS TO STATES.—

(A) PAYMENTS FOR FISCAL YEARS 2023 THROUGH 2025.—From amounts made available under subsection (b)(1) for carrying out subsections (c)(3) and (d) for any of fiscal years 2023 through 2025, the Secretary shall allot for the fiscal year, to each State that has a State plan under paragraph (5) or transitional State plan under paragraph (7) that is approved for a period including that fiscal year, an amount for the purpose of providing grants to eligible providers to provide high-quality preschool, using a formula that considers—

(i) the proportion of the number of children who are below the age of 6 and whose families have a family income at or below 200 percent of the poverty line for the most recent year for which satisfactory data are available, residing in the State, as compared to the number of such children, who reside in all States with approved plans for the fiscal year for which the allotment is being made; and

(ii) the existing Federal preschool investments in the State under the Head Start Act, as of the date of the allotment.

(B) PAYMENTS FOR FISCAL YEARS 2026 THROUGH 2028.—

(i) PRESCHOOL SERVICES.—For each of fiscal years 2026 through 2028, the Secretary shall pay to each State with an approved State plan under paragraph (5), an amount for that year equal to—

(I) 95.440 percent of the State's expenditures in the year for preschool services provided under subsection (d), for fiscal year 2026;

(II) 79.534 percent of the State's expenditures in the year for such preschool services, for fiscal year 2027; and

(III) 63.627 percent of the State's expenditures in the year for such preschool services, for fiscal year 2028.

(ii) STATE ACTIVITIES.—The Secretary shall pay to each State with an approved State plan under paragraph (5) an amount for a fiscal year equal to 53.022 percent of the amount of the State's expenditures for the activities described in paragraph (3), except that in no case shall a payment for a fiscal year under this clause exceed the amount equal to 5 percent of the State's expenditures described in clause (i) for such fiscal year.

(iii) NON-FEDERAL SHARE.—The remainder of the cost paid by the State for preschool services, that is not provided under clause (i), shall be considered the non-Federal share of the cost of those services. The remainder of the cost paid by the State for State activities, that is not provided under clause (ii), shall be considered the non-Federal share of the cost of those activities.

(iv) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The Secretary shall make a payment under clause (i) or (ii) for a year on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Secretary may find necessary, and shall reduce or increase the payment as necessary to adjust for any overpayment or underpayment for a previous year.

(C) AUTHORITIES.—

(i) FISCAL YEARS 2023 THROUGH 2025.—Notwithstanding any other provision of this paragraph, for each of fiscal years 2023 through 2025, the Secretary shall have the authority to reallot funds that were allotted under subparagraph (A) from any State without an approved State plan under paragraph

(5) or transitional State plan under paragraph (7) by the date required by the Secretary, to States with an approved State plan or transitional State plan under such paragraph (5) or (7) and to eligible localities and Head Start agencies in accordance with subsection (f).

(ii) FISCAL YEAR 2026.—Notwithstanding any other provision of this section, on October 1, 2025, the Secretary shall have the authority to reallot funds from payments made from allotments under subparagraph (A) that are unobligated on such date, to any State without such unobligated funds that is a State with an approved State plan under paragraph (5) or transitional State plan under paragraph (7) to carry out the purposes of this section or to an eligible locality or Head Start agency in accordance with subsection (f).

(3) STATE ACTIVITIES.—A State that receives a payment under paragraph (2) shall carry out all of the following activities:

(A) State administration of the State preschool program described in this section.

(B) Supporting a continuous quality improvement system for providers of preschool services participating, or seeking to participate, in the State preschool program, through the use of data, research, monitoring, training, technical assistance, professional development, and coaching.

(C) Providing outreach and enrollment support for families of eligible children.

(D) Supporting data systems building.

(E) Supporting staff of eligible providers in pursuing credentials and degrees, including baccalaureate degrees.

(F) Supporting activities that ensure access to inclusive preschool programs for children with disabilities.

(G) Providing age-appropriate transportation services for children, which at a minimum shall include transportation services for children experiencing homelessness and children in foster care.

(H) Conducting or updating a statewide needs assessment of access to high-quality preschool services.

(4) LEAD AGENCY.—The Governor of a State desiring for the State to receive a payment under this subsection shall designate a lead agency (such as a State agency or joint interagency office) for the administration of the State's preschool program under this section.

(5) STATE PLAN.—In order to be eligible for payments under this section, the Governor of a State shall submit a State plan to the Secretary for approval by the Secretary, in collaboration with the Secretary of Education, at such time, in such manner, and containing such information as the Secretary shall by rule require, that includes a plan for achieving universal, high-quality, free, inclusive, and mixed-delivery preschool services. Such plan shall include, at a minimum, each of the following:

(A) A certification that—

(i) the State has in place, or will have in place no later than 18 months after the State first receives funding under this section, developmentally appropriate, evidence-based preschool standards that, at a minimum, are as rigorous as the standards specified in subparagraph (B) of section 641A(a)(1) of the Head Start Act (42 U.S.C. 9836a(a)(1)) and include program standards for class sizes and ratios; and

(ii) the State will coordinate such standards with other early learning standards in the State.

(B) An assurance that the State will ensure—

(i) all preschool services in the State funded under this section will—

(I) be universally available to all children in the State without any additional eligibility requirements; and

(II) be high-quality, free, and inclusive; and

(ii) that the local preschool programs in the State funded under this section will—

(I) by not later than 1 year after the program receives such funding, meet the State's preschool education standards described in subparagraph (A);

(II) offer programming that meets the duration requirements of at least 1,020 annual hours;

(III) adopt policies and practices to conduct outreach and provide expedited enrollment, including prioritization, to—

(aa) children experiencing homelessness (which, in the case of a child attending a program provided by an eligible provider described in subsection (a)(6)(A), shall include immediate enrollment for the child);

(bb) children in foster care or kinship care;

(cc) children in families who are engaged in migrant or seasonal agricultural labor;

(dd) children with disabilities, including eligible children who are served under part C of the Individuals with Disabilities Education Act; and

(ee) dual language learners;

(IV) provide for salaries, and set schedules for salaries, for staff of providers in the State preschool program that are equivalent to salaries of elementary school staff with similar credentials and experience;

(V) at a minimum, provide a living wage for all staff of such providers; and

(VI) require educational qualifications for teachers in the preschool program including, at a minimum, requiring that lead teachers in the preschool program have a baccalaureate degree in early childhood education or a related field by not later than 6 years after the date on which the State first receives funds under this section, except that—

(aa) subject to item (bb), the requirements under this subclause shall not apply to individuals who were employed by an eligible provider or early education program for a cumulative 3 of the 5 years immediately preceding the date of enactment of this Act and have the necessary content knowledge and teaching skills for early childhood educators, as demonstrated through measures determined by the State; and

(bb) nothing in this section shall require the State to lessen State requirements for educational qualifications, in existence on the date of enactment of this Act, to serve as a teacher in a State preschool program.

(C) For States with existing publicly funded State preschool programs (as of the date of submission of the State plan), a description of how the State plans to use funding provided under this section to ensure that such existing programs in the State meet the requirements of this section for a State preschool program.

(D) A description of how the State, in establishing and operating the State preschool program supported under this section, will—

(i) support a mixed-delivery system for any new slots funded under this section, including by facilitating the participation of Head Start programs and programs offered by licensed child care providers;

(ii) ensure the State preschool program does not disrupt the stability of infant and toddler child care throughout the State;

(iii) ensure adequate consultation with the State Advisory Council on Early Childhood Education and Care designated or established in section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)) in the development of its plan, including consultation in how the State intends to distribute slots under clause (v);

(iv) partner with Head Start agencies to ensure the full utilization of Head Start programs within the State; and

(v) distribute new preschool slots and resources equitably among child care (including family child care) providers, Head Start agencies, and schools within the State.

(E) A certification that the State, in operating the program described in this section for a fiscal year—

(i) will not reduce the total preschool slots provided in State-funded preschool programs from the number of such slots in the previous fiscal year; or

(ii) if the number of eligible children identified in the State declines from the previous fiscal year, will maintain at least the previous year's ratio of the total preschool slots described in clause (i) to eligible children so identified.

(F) An assurance that the State will use funding provided under this section to ensure children with disabilities have access to and participate in inclusive preschool programs consistent with provisions in the Individuals with Disabilities Education Act, and a description of how the State will collaborate with entities carrying out programs under section 619 or part C of the Individuals with Disabilities Education Act, to support inclusive preschool programs.

(G) A certification that the State will support the continuous quality improvement of programs providing preschool services under this section, including support through technical assistance, monitoring, and research.

(H) A certification that the State will ensure a highly qualified early childhood workforce to support the requirements of this section.

(I) An assurance that the State will meet the requirements of clauses (ii) and (iii) of section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)), with respect to funding and assessments under this section.

(J) A certification that subgrant and contract amounts provided as described in subsection (d) will be sufficient to enable eligible providers to meet the requirements of this section, and will provide for increased payment amounts based on the criteria described in subclauses (IV) and (V) of subparagraph (B)(ii).

(K) An agreement to provide to the Secretary such periodic reports, providing a detailed accounting of the uses of funding received under this section, as the Secretary may require for the administration of this section.

(6) DURATION OF THE PLAN.—Each State plan shall remain in effect for a period of not more than 3 years. Amendments to the State plan shall remain in effect for the duration of the plan.

(7) TRANSITIONAL STATE PLAN.—For a period of not more than 3 years following the date of enactment of this Act, the Secretary shall award funds under this section, for the purpose of expanding access to universal, high-quality, free, inclusive, and mixed-delivery preschool services in alignment with the requirements of this section, to States with an approved transitional State plan, submitted at such time, in such manner, and containing such information as the Secretary shall require, including at a minimum an assurance that the State will submit a State plan under paragraph (5).

(d) SUBGRANTS AND CONTRACTS FOR LOCAL PRESCHOOL PROGRAMS.—

(1) SUBGRANTS AND CONTRACTS.—

(A) IN GENERAL.—A State that receives a payment under subsection (c)(2) for a fiscal year shall use amounts provided through the payment to pay the costs of subgrants to, or contracts with, eligible providers to operate universal, high-quality, free, and inclusive

preschool programs (which State-funded programs may be referred to in this section as ''local preschool programs'') through the State preschool program in accordance with paragraph (3). A State shall reduce or increase the amounts provided under such subgrants or contracts if needed to adjust for any overpayment or underpayment described in subsection (c)(2)(B)(iv).

(B) AMOUNT.—A State shall award a subgrant or contract under this subsection in a sufficient amount to enable the eligible provider to operate a local preschool program that meets the requirements of subsection (c)(5)(B), which amount shall reflect variations in the cost of preschool services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive preschool services for children with disabilities.

(C) DURATION.—The State shall award a subgrant or contract under this subsection for a period of not less than 3 years, unless the subgrant or contract is terminated or suspended, or the subgrant period is reduced, for cause.

(2) ENHANCED PAYMENTS FOR COMPREHENSIVE SERVICES.—In awarding subgrants or contracts under this subsection and in addition to meeting the requirements of paragraph (1)(B), the State shall award subgrants or contracts with enhanced payments to eligible providers that offer local preschool programs funded under this subsection to a high percentage of low-income children to support comprehensive services.

(3) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS.—

(A) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS IN HIGH-NEED COMMUNITIES.—In awarding subgrants or contracts under this subsection, the State shall first prioritize establishing and expanding universal local preschool programs within and across high-need communities by awarding subgrants or contracts to eligible providers operating within and across, or with capacity to operate within and across, such high-need communities. The State shall—

(i) use a research-based methodology approved by the Secretary to identify such high-need communities, as determined by—

(I) the rate of poverty in the community;

(II) rates of access to high-quality preschool within the community; and

(III) other indicators of community need as required by the Secretary; and

(ii) distribute funding for preschool services under this section within such a high-need community so that a majority of children in the community are offered such preschool services before the State establishes and expands preschool services in communities with lower levels of need.

(B) USE OF FUNDS.—Subgrants or contracts awarded under subparagraph (A) shall be used to enroll and serve children in such a local preschool program involved, including by paying the costs—

(i) of personnel (including classroom and administrative personnel), including compensation and benefits;

(ii) associated with implementing the State's preschool standards, providing curriculum supports, and meeting early learning and development standards;

(iii) of professional development, teacher supports, and training;

(iv) of implementing and meeting developmentally appropriate health and safety standards (including licensure, where applicable), teacher to child ratios, and group size maximums;

(v) of materials, equipment, and supplies; and

(vi) of rent or a mortgage, utilities, building security, indoor and outdoor maintenance, and insurance.

(4) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS IN ADDITIONAL COMMUNITIES.—Once a State that receives a payment under subsection (c)(2) meets the requirements of paragraph (3) with respect to establishing and expanding local preschool programs within and across high-need communities, the State shall use funds from such payment to enroll and serve children in local preschool programs, as described in such paragraph, in additional communities in accordance with the metrics described in paragraph (3)(A)(i). Such funds shall be used for the activities described in clauses (i) through (vi) of paragraph (3)(B).

(e) PAYMENTS FOR UNIVERSAL PRESCHOOL SERVICES TO INDIAN TRIBES AND TERRITORIES.—

(1) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(A) IN GENERAL.—For each of fiscal years 2023 through 2028, from the amount appropriated for Indian Tribes and Tribal organizations under subsection (b)(2)(A), the Secretary shall make payments to Indian Tribes and Tribal organizations with an application approved under subparagraph (B), and the Tribes and Tribal organizations shall be entitled to such payments for the purpose of carrying out the preschool program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(B) APPLICATIONS.—An Indian Tribe or Tribal organization seeking a payment under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify.

(2) TERRITORIES.—

(A) IN GENERAL.—For each of fiscal years 2023 through 2028, from the amount appropriated for territories under subsection (b)(2)(B), the Secretary shall make payments to the territories with an application approved under subparagraph (B), and the territories shall be entitled to such payments, for the purpose of carrying out the preschool program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(B) APPLICATIONS.—A territory seeking a payment under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify.

(3) LEAD AGENCY.—The head of an Indian tribe or territory desiring for the Indian tribe or a related tribal organization, or territory, to receive a payment under this subsection shall designate a lead agency (such as a tribal or territorial agency or joint interagency office) for the administration of the preschool program of the Indian tribe or territory, under this section.

(f) GRANTS TO LOCALITIES AND HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(1) ELIGIBLE LOCALITY DEFINED.—In this subsection, the term ''eligible locality'' means a city, county, or other unit of general local government, a local educational agency, or a Head Start agency.

(2) GRANTS TO LOCALITIES.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, shall use funds reserved in subsection (b)(2)(F) or reallotted under subsection (c)(2)(C) to award local universal preschool grants, as determined by the Secretary of Health and Human Services, to eligible localities located in States that have not received payments under subsection (c)(2)(A). The Secretary shall award the grants to eligible localities in a State from the allotment made for that State under subparagraph (B). The Secretary shall specify the requirements for an eligible locality to conduct a preschool program under this subsection which shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section, for a universal, high-quality, free, and inclusive preschool program.

(B) ALLOTMENTS.—For each State described in subparagraph (A), the Secretary shall allot for the State for a fiscal year an amount that bears the same relationship to the funds appropriated under subsection (b)(2)(F) for the fiscal year as the number of children from families with family incomes at or below 200 percent of the poverty line, and who are under the age of 6, in the State bears to the total number of all such children in all States described in subparagraph (A).

(C) APPLICATION.—To receive a grant from the corresponding State allotment under this subsection, an eligible locality shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the State plan requirements applicable to States under this section.

(D) RECOUPMENT OF UNUSED FUNDS.—Notwithstanding any other provision of this section, for each of fiscal years 2024 through 2028, the Secretary shall have the authority to recoup any unused funds allotted under subparagraph (B) for awards under paragraph (3)(A) to Head Start agencies in accordance with paragraph (3).

(3) HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(A) IN GENERAL.—The Secretary shall use funds appropriated under subsection (b)(2)(G), reallotted under subsection (c)(2)(C), or recouped under paragraph (2) to make awards to Head Start agencies in a State described in paragraph (2)(A) to carry out the purposes of the Head Start Act in such State.

(B) RULE.—For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under subparagraph (A) shall not be included in the calculation of a ''base grant'' as such term is defined in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)).

(C) DEFINITION.—In this paragraph, the term ''Head Start agency'' means an entity designated or eligible to be designated as a Head Start agency under section 641(a)(1) of the Head Start Act or as an Early Head Start agency (by receiving a grant) under section 645A(a) of such Act.

(4) PRIORITY FOR SERVING UNDERSERVED COMMUNITIES.—In making determinations to award a grant or make an award under this subsection, the Secretary shall give priority to entities serving communities with a high percentage of children from families with family incomes at or below 200 percent of the poverty line.

(g) ALLOWABLE SOURCES OF NON-FEDERAL SHARE.—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(iii), relating to a payment under subsection (c)(2)(B), a State's non-Federal share—

(1) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services;

(2) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the day before the date of enactment of this Act, into full-day kindergarten programs;

(3) shall not include contributions being used as a non-Federal share or match for another Federal award;

(4) shall be provided from State or local sources, contributions from philanthropy or

other private organizations, or a combination of such sources and contributions; and

(5) shall count not more than 100 percent of the State's current spending on prekindergarten programs, calculated as the average amount of such spending by the State for fiscal years 2020, 2021, and 2022, toward the State's non-Federal share.

(h) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—If a State reduces its combined fiscal effort per child for the State preschool program (whether a publicly funded preschool program or a program under this section) or through State supplemental assistance funds for Head Start programs assisted under the Head Start Act, or through any State spending on preschool services for any fiscal year that a State receives payments under subsection (c)(2) (referred to in this paragraph as the ''reduction fiscal year'') relative to the previous fiscal year, the Secretary, in collaboration with the Secretary of Education, shall reduce support for such State under such subsection by the same amount as the total reduction in that State fiscal effort for such reduction fiscal year.

(2) WAIVER.—The Secretary, in collaboration with the Secretary of Education, may waive the requirements of paragraph (1) if—

(A) the Secretaries determine that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship, or a natural disaster, that has necessitated across-the-board reductions in State services during the 5-year period preceding the date of the determination, including for early childhood education programs; or

(B) due to the circumstance of a State requiring reductions in specific programs, including early childhood education programs, the State presents to the Secretaries a justification and demonstration why other programs could not be reduced and how early childhood education programs in the State will not be disproportionately harmed by such State reductions.

(i) SUPPLEMENT NOT SUPPLANT.—Funds received under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended on prekindergarten programs in the State on the date of enactment of this Act, calculated as the average amount of such Federal, State, and local public funds expended for fiscal years 2020, 2021, and 2022.

(j) NONDISCRIMINATION PROVISIONS.—The following provisions of law shall apply to any program or activity that receives funds provided under this section:

(1) Title IX of the Education Amendments of 1972.

(2) Title VI of the Civil Rights Act of 1964.

(3) Section 504 of the Rehabilitation Act of 1973.

(4) The Americans with Disabilities Act of 1990.

(k) MONITORING AND ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH REQUIREMENTS AND STATE PLAN.—The Secretary shall review and monitor compliance of States, territories, Tribal entities, and local entities with this section and State compliance with the State plan described in subsection (c)(5) or State transitional plan described in subsection (c)(7).

(2) ISSUANCE OF RULE.—The Secretary shall establish by rule procedures for—

(A) receiving, processing, and determining the validity of complaints or findings concerning any failure of a State to comply with the State plan or any other requirement of this section;

(B) notifying a State when the Secretary has determined there has been a failure by the State to comply with a requirement of this section; and

(C) imposing sanctions under this subsection for such a failure.

SA 5301. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 6 of subtitle D of title I and insert the following:

PART 6—LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES

SEC. 13601. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Section 164(b)(6) is amended by striking ''2026'' and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5302. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30001 and insert the following:

SEC. 30001. ENHANCED USE OF DEFENSE PRODUCTION ACT OF 1950.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2024, to improve the munitions production infrastructure of the United States using the authority provided by the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.).

SA 5303. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part IX of subtitle D of title I, insert the following:

SEC. 13903. PROHIBITION ON TAX BENEFITS FOR PRODUCTS PRODUCED BY COVERED FOREIGN COUNTRIES.

(a) IN GENERAL.—With respect to any credit or deduction allowed under the Internal Revenue Code of 1986 which is added or amended by any provision of this subtitle, such credit or deduction shall not be allowed with respect to any facility, project, or property which includes or otherwise uses any covered technology which is acquired, purchased, or procured from a covered foreign country.

(b) COVERED FOREIGN COUNTRY.—For purposes of this section, the term ''covered foreign country'' means any of the following:

(1) The Russian Federation.

(2) The Islamic Republic of Iran.

(3) The Democratic People's Republic of Korea

(4) The People's Republic of China.

(c) COVERED TECHNOLOGY.—For purposes of this section, the term ''covered technology'' means—

(1) solar photovoltaic modules,

(2) wind turbines,

(3) electric vehicle batteries, and

(4) any component or part (including any critical minerals) used in the production of any property described in paragraphs (1) through (3).

SA 5304. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60111 and insert the following:

SEC. 60111. GREENHOUSE GAS CORPORATE REPORTING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

(b) PROHIBITION.—None of the amounts made available under subsection (a) may be used to support the implementation of any regulation, rule, or standard that would require the reporting of emissions of greenhouse gases (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) from small businesses (as determined in accordance with part 121 of title 13, Code of Federal Regulations (or successor regulations)), farms, or ranches.

SA 5305. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In subtitle A of title I, strike part 3 and insert the following:

PART 3—EXTENSION OF CERTAIN TAX PROVISIONS

SEC. 10301. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' and inserting ''January 1, 2028'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10302. EXTENSION OF SPECIAL RULES FOR CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(h) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' in paragraph (1) and inserting ''January 1, 2028'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5306. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title

II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

PART __—EXTENSION OF CERTAIN TAX PROVISIONS

SEC. 10__01. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' and inserting ''January 1, 2028'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__02. EXTENSION OF SPECIAL RULES FOR CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(h) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' in paragraph (1) and inserting ''January 1, 2028'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__03. ELIMINATION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT.

Section 10301(a)(1)(A) of this Act is amended by striking clause (ii).

SA 5307. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENT TO THE COUNTERMEASURE INJURY COMPENSATION PROGRAM.

Section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''under 319F–3(b)'' and inserting ''under section 319F–3(b)'';

(B) in paragraph (2)—

(i) by striking ''and be in the same amount'' and all that follows through ''shall not apply'' and inserting ''be in the same amount, and be subject to the same conditions as is prescribed by section 2115'';

(C) by striking paragraphs (3) and (4) and inserting the following:

''(3) DETERMINATION OF ELIGIBILITY AND COMPENSATION.—Compensation shall be awarded under this section to eligible individuals in accordance with the procedure set forth in sections 2111, 2112, 2113, and 2121 for purposes of the National Vaccine Injury Compensation Program, subject to the other provisions of this section.'';

(D) by inserting before paragraph (5) the following:

''(4) TIME FOR FILING PETITIONS.—

''(A) PREVIOUSLY SUBMITTED REQUESTS.—

''(i) PENDING CLAIMS.—In the case of a request for compensation submitted under this section before the date of enactment of the Countermeasure Injury Compensation Fund Amendment Act for which no compensation has been provided prior to such date of enactment, in order to be eligible for compensation under this section, not later than 28 months after such date of enactment, the individual shall submit a new petition under this section, consistent with the amendments made by the Countermeasure Injury Compensation Fund Amendment Act.

''(ii) PREVIOUSLY PAID CLAIMS.—In the case of a request for compensation submitted under this section and paid under this section before the date of enactment of the Countermeasure Injury Compensation Fund Amendment Act that relates to a COVID–19 countermeasure, the individual receiving such compensation may submit a subsequent petition under this section for additional compensation in the amount the individual would have received for such claim under this section after such date of enactment, less the amount already received by the individual.

''(B) SUBSEQUENT PETITIONS.—In the case of a an injury or death resulting from the administration or use of a covered countermeasure to which subparagraph (A) does not apply, a petition for benefits or compensation under this section shall be filed not later than—

''(i) subject to clause (ii)—

''(I) in the case of serious physical injury, 3 years after the first symptom or manifestation of onset of a significant aggravation of a covered injury; or

''(II) in the case of death—

''(aa) 2 years after death from the administration or use of the covered countermeasure; and

''(bb) 4 years after the occurrence of the first symptom or manifestation of onset or of the significant aggravation of the injury from which the death resulted; and

''(ii) in the case that a covered countermeasure is added to the table under paragraph (5)(A) and the effect is to permit an individual who was not, before such addition, eligible to seek compensation under this section, such individual may file a petition for such compensation not later than 2 years after the effective date of the addition of such countermeasure.'';

(E) in paragraph (5), by striking subparagraphs (B) and (C) and inserting the following:

''(B) AMENDMENT WITH RESPECT TO COVID–19 VACCINES.—

''(i) IN GENERAL.—Not later than 60 days after receipt of the report under subparagraph (C)(iii), the Secretary, taking into consideration such report, shall amend the covered countermeasure injury table established under subparagraph (A) to include all injuries related to COVID–19 vaccines that meet the standard described in subparagraph (A). In amending such table, the Secretary shall consider injuries caused by use of any vaccine that is, or was, the subject of an emergency use authorization under section 564 of the Federal Food, Drug, and Cosmetic Act.

''(ii) EXPLANATION OF CERTAIN DETERMINATIONS.—With respect to any recommendation of the COVID–19 Vaccine Commission included in the report under subparagraph (C)(iii) that the Secretary does not adopt pursuant to this subparagraph, the Secretary, not later than 7 days after the covered countermeasure injury table has been amended pursuant to clause (i), shall publish a written explanation of the determination not to adopt such recommendation.

''(C) COVID–19 VACCINE COMMISSION.—

''(i) IN GENERAL.—There is established a commission to be known as the COVID–19 Vaccine Commission (referred to in this subparagraph as the 'Commission') that is tasked with identifying covered injuries related to COVID–19 vaccines, for purposes of recommending to the Secretary injuries for inclusion on the covered countermeasure injury table, as described in subparagraph (B).

''(ii) MEMBERSHIP.—

''(I) IN GENERAL.—The Commission shall be composed of the following:

''(aa) The Secretary, or a designee of the Secretary, to serve as an ex officio member.

''(bb) The following members, selected, not later than 30 days after the date of enactment of the Countermeasure Injury Compensation Fund Amendment Act, in accordance with subclause (II):

''(AA) 3 members appointed by the Chair of the Committee on Health, Education, Labor, and Pensions of the Senate.

''(BB) 3 members appointed by the Ranking Member of the Committee on Health, Education, Labor, and Pensions of the Senate.

''(CC) 3 members appointed by the Chair of the Committee on Energy and Commerce of the House of Representatives.

''(DD) 3 members appointed by the Ranking Member of the Committee on Energy and Commerce of the House of Representatives.

''(II) ELIGIBILITY.—Members selected to serve on the Commission pursuant to subclause (I)(bb) shall—

''(aa) be chosen on the basis of their experience, integrity, impartiality, and good judgement;

''(bb) at the time of appointment, not be elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government; and

''(cc) at the time of appointment, not be a member of the board or an employee of an entity whose product is under review, or expected to be under review, by the Commission.

''(III) NO COMPENSATION.—Members of the Commission shall not be compensated.

''(IV) CONFLICT OF INTEREST.—Each member of the Commission shall recuse themselves from advising on a covered countermeasure for which the member has a conflict of interest as described in section 208 of title 18, United States Code.

''(iii) REPORT.—No later than one year after the date of enactment of the Countermeasure Injury Compensation Fund Amendment Act, the Commission shall submit to the Secretary and make publicly available a report identifying covered injuries considered for purposes of inclusion on the covered countermeasure injury table pursuant to subparagraph (B), and the vote counts and outcomes for each such injury.

''(iv) SUNSET.—The Commission established under this subparagraph shall be terminated upon publication of the report under clause (iii).'';

(F) by redesignating paragraph (6) as paragraph (7);

(G) by inserting after paragraph (5) the following:

''(6) ELECTRONIC FILING OF PETITIONS.—The clerk of the United States Court of Federal Claims shall provide an option for the electronic filing of a petition to initiate a proceeding for compensation under this section.''; and

(H) in paragraph (7), as so redesignated—

(i) by striking ''sections 262, 263, 264, 265, and 266'' and inserting ''sections 2111, 2112, 2113, 2115, and 2121'';

(ii) in subparagraph (A), by striking ''terms 'vaccine' and 'smallpox vaccine'\'' and inserting ''term 'vaccine'\'';

(iii) by amending subparagraph (B) to read as follows:

''(B) the term 'Vaccine Injury Table' shall be deemed to mean the table established under paragraph (5)(A);'';

(iv) by redesignating subparagraph (C) as subparagraph (F); and

(v) by inserting after subparagraph (B) the following:

''(C) the term 'factors unrelated to the administration of the vaccine' shall be deemed to mean factors unrelated to the administration or use of a covered countermeasure;

''(D)(i) the terms 'petition', 'petition under section 2111', and 'petition filed under section 2111' shall be deemed to mean a request for compensation under this section; and

''(ii) the term 'petitioner' shall be deemed to mean a covered individual, as defined in

subsection (e), who makes a request for benefits or compensation under this section;

''(E) the term 'vaccine-related injury or death' shall be deemed to mean a covered injury, as defined in subsection (e); and''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking '', or if the Secretary fails'' and all that follows through ''319F–3(d)'' and inserting a period; and

(B) in paragraph (5), by striking ''under subsection (a) the Secretary determines that a covered individual qualifies for compensation'' and inserting ''a covered individual is determined under subsection (a) to be eligible for compensation under this section''.

SA 5308. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 4 of subtitle D of title I.

SA 5309. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60201.

SA 5310. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 23003 and insert the following:

SEC. 23003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS; CATEGORICAL EXCLUSIONS TO EXPEDITE WILDFIRE PREVENTION ACTIVITIES.

(a) STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.—

(1) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(A) $675,000,000 to provide competitive grants to States through the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) for projects for the acquisition of land and interests in land,

(B) $1,475,000,000 to provide multiyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, an agency or governmental entity of an insular area (as defined in section 1404 of the National Agriculture Research, Extnesion and Teaching Policy Act of 1977 (7 U.S.C. 3103)) an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities,

(2) WAIVER.—Any non-Federal cost-share requirement otherwise applicable to projects carried out under this subsection may be waived at the discretion of the Secretary.

(b) CATEGORICAL EXCLUSIONS TO EXPEDITE WILDFIRE PREVENTION ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $50,000,000 for the Forest Service to update and promulgate new categorical exclusions in accordance with section 1b.3(b) of title 7, Code of Federal Regulations, to expedite wildfire prevention activities.

SA 5311. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50223 and insert the following:

SEC. 50223. NATIONAL PARK SERVICE EMPLOYEES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $450,000,000, to remain available through September 30, 2030, to hire employees in units of the National Park System.

SEC. 50224. REIMBURSEMENT FOR COSTS OF SEARCH AND RESCUE ACTIVITIES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available through September 30, 2030, to reimburse local authorities for search and rescue activities conducted with respect to individuals who are lost or endangered on Federal public land in accordance with 312 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1742).

SA 5312. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50263.

SA 5313. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50261 and 50262.

SA 5314. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In subtitle A of title V, strike part 2.

SA 5315. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 6 of subtitle D of title I.

SA 5316. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title V, insert the following:

SEC. 502____. SUPPLEMENTAL PAYMENTS UNDER THE PAYMENTS IN LIEU OF TAXES PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $460,000,000, to remain available through September 30, 2031, to provide supplemental payments to general units of local government for each of fiscal years 2022 through 2031 under chapter 69 of title 31, United States Code, with the amount of the supplemental payment for each fiscal year to be determined by the Secretary, based on the proportional share of the payment received by the general unit of local government under that chapter for the applicable fiscal year.

SEC. 502____. REDUCTION OF APPROPRIATION FOR HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

Notwithstanding section 50121(a)(1), the amount appropriated under that section shall be $3,840,000,000.

SA 5317. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TERMINATION OF SECTION 232 DUTIES WITH RESPECT TO STEEL AND ALUMINUM.

(a) IN GENERAL.—Duties described in subsection (b) shall not apply with respect to articles entered or withdrawn from warehouse for consumption on or after the date of the enactment of this Act.

(b) DUTIES DESCRIBED.—Duties described in this subsection are duties imposed under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862)—

(1) with respect to aluminum pursuant to Presidential Proclamation 9704 (83 Fed. Reg. 11619), dated March 8, 2018; and

(2) with respect to steel pursuant to Presidential Proclamation 9705 (83 Fed. Reg. 11625), dated March 8, 2018.

SA 5318. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Small Business and Entrepreneurship are rescinded.

SA 5319. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Health, Education, Labor, and Pensions are rescinded.

SA 5320. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. _____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Finance, are rescinded.

SA 5321. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Banking, Housing, and Urban Affairs are rescinded.

SA 5322. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. _____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Commerce, Science, and Transportation are rescinded.

SA 5323. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. _____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Agriculture, Nutrition, and Forestry are rescinded.

SA 5324. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 60402, insert ''facilitating efficient and effective environmental reviews, including implementation of the procedural rules contained in the fine rule of the Council on Environmental Quality entitled 'Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act' (85 Fed. Reg. 43304 (July 16, 2020)),'' after ''documents,''.

SA 5325. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 584, on line 13, strike ''projects,'' and insert ''projects, including dredging projects.''

SA 5326. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60115 and insert the following:

SEC. 60115. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient reviews, accurate reviews, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

(b) DEFINITION OF TIMELY REVIEW.—In this section, the term ''timely review'', with respect to permitting and approval processes for a proposed action, means the goal of completing all review for those processes for the proposed action not later than the date that is 2 years after the date on which the permitting and approval processes commence.

SA 5327. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 70007, add at the end the following:

MODIFICATION OF DEFINITION OF COVERED PROJECT.—Section 41001(6)(A)(i)(II) of the FAST Act (42 U.S.C. 4370m(6)(A)(i)(II)) is amended by striking ''$200,000,000'' and inserting ''$10,000,000''.

SA 5328. Ms. LUMMIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60103 and all that follows through the period at the end of section 60201 and insert the following:

SEC. 60103. DIESEL EMISSIONS REDUCTIONS.

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

SEC. 60104. FUNDING TO ADDRESS AIR POLLUTION.

(a) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(b) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(1) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(2) to replace, repair, operate, and maintain existing monitors.

(c) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury

not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(d) EMISSIONS FROM WOOD HEATERS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(e) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(f) CLEAN AIR ACT GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(g) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60105. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce air pollution and greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

SEC. 60106. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60107. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60108. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60109. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, and enhanced standardization and transparency, of environmental product declarations for construction materials and products, including by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this

Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration, as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60110. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60102 of this Act, the following:

''SEC. 134. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations;

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide support for communities, including funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) permanently shutting in and plugging wells on non-Federal land;

''(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(F) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, including the costs of implementing the waste emissions charge under subsection (c), preparing inventories, gathering empirical data, and tracking emissions.

''(b) INCENTIVES FOR METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

''(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

''(d) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing.

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2024;

''(B) $1,200 for emissions reported for calendar year 2025; or

''(C) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

''(f) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

''(A) 0.20 percent of the natural gas sent to sale from such facility; or

''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from such facility.

''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from such facility.

''(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).

''(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.

''(6) EXEMPTION FOR REGULATORY COMPLIANCE.—

''(A) IN GENERAL.—Charges shall not be imposed pursuant to subsection (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—

''(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and

''(ii) compliance with the requirements described in clause (i) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled 'Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review' (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.

''(B) RESUMPTION OF CHARGE.—If the conditions in clause (i) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (i) or (ii) of that subparagraph are no longer met.

''(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with all applicable closure requirements, as determined by the Administrator.

''(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

''(h) IMPLEMENTATION.—In addition to other authorities in this Act addressing air pollution from the oil and natural gas sectors, the Administrator may issue guidance or regulations as necessary to carry out this section.

''(i) REPORTING.—Not later than 2 years after the date of enactment of this section, and as necessary thereafter, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations, to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions

and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

''(j) LIABILITY FOR CHARGE PAYMENT.—Except as established under this section, a facility owner or operator's liability for payment of the charge under subsection (c) is not affected in any way by emission standards, permit fees, penalties, or other requirements under this Act or any other legal authorities.

''(k) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60111. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 134, as added by subtitle A of this title, the following:

''SEC. 135. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)) emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.''.

SEC. 60202. SUPERFUND.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available until September 30, 2026, to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 through 9675).

SA 5329. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 383, strike lines 21 and 22 and insert the following:

''(i) the name and Social Security number of the taxpayer (including a certification by the person who sold such vehicle to the taxpayer that, at the time of such sale, the taxpayer demonstrated that they were a citizen or national of the United States or an alien lawfully present in the United States),

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SA 5330. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title I, insert the following:

SEC. _____. INCOME CAP ON TEMPORARY INCREASE IN PREMIUM TAX CREDIT.

(a) IN GENERAL.—The table contained in clause (iii) of section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended by striking ''and higher'' in the last line and inserting ''up to 750.0 percent''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5331. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Beginning on page 568, strike line 20 and all that follows through page 569, line 11.

SA 5332. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 20002. INCREASING INFANT FORMULA MANUFACTURER CONTRACTS UNDER WIC PROGRAM.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (b)(17), by striking ''selects a single source (a single infant formula manufacturer) offering the lowest price'' and inserting ''selects, in accordance with subsection (h)(8)(A)(iii), infant formula manufacturers''; and

(2) in subsection (h)(8)(A)—

(A) in clause (iii)—

(i) by striking ''A State'' and all that follows through ''bidders'' and inserting the following:

''(I) IN GENERAL.—A State agency using a competitive bidding system for infant formula shall award contracts to—

''(aa) not less than 2 infant formula manufacturers; and

''(bb) bidders''; and

(ii) by adding at the end the following:

''(II) LIMITATION.—A State agency shall not award a contract to a single infant formula manufacturer that is for more than 70 percent of the infant formula for which the State agency contracts in a year.'';

(B) by striking clauses (v) and (vi);

(C) by redesignating clauses (vii) through (x) as clauses (v) through (viii), respectively; and

(D) in clause (viii) (as so redesignated), by striking ''clause (ix)'' and inserting ''clause (vii)''.

SA 5333. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXCISE TAXES ON ONLINE PORNOGRAPHIC SERVICES.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986, as amended by section 11003, is amended by adding at the end the following new chapter:

''CHAPTER 50B—ONLINE PORNOGRAPHIC SERVICES

''Sec. 5000E. Online pornographic services.

''SEC. 5000E. ONLINE PORNOGRAPHIC SERVICES.

''(a) IN GENERAL.—

''(1) CONTENT.—There is hereby imposed on the sale of any pornographic content, or any subscription for such content, by an online pornographic service a tax in an amount equal to 20 percent of the amount paid for such content or subscription.

''(2) ADVERTISEMENTS.—There is hereby imposed on the sale of any advertisement on an online pornographic service a tax in an amount equal to 20 percent of the amount paid for such advertisement.

''(b) DEFINITIONS.—In this section—

''(1) ONLINE PORNOGRAPHIC SERVICE.—The term 'online pornographic service' means an entity which is—

''(A) an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f))),

''(B) engaged in interstate or foreign commerce or purposefully avails itself of the United States market or a portion thereof, and

''(C) in the regular course of the trade or business of the entity, creating, hosting, or making available pornographic content provided by a user or other information content provider, with the objective intent of earning a profit as a result of those activities.

''(2) PORNOGRAPHIC CONTENT.—The term 'pornographic content' means, with respect to a picture, image, graphic image file, film, videotape, or other visual depiction, that such picture, image, graphic image file, film, videotape, or other depiction depicts an actual or simulated sexual act or sexual contact (as defined in section 2246 of title 18, United States Code), actual or simulate normal or perverted sexual acts, or lewd exhibition of the genitals.

''(c) PAYMENT OF TAX.—For purposes of this section, rules similar to the rules of section 5000B(c) shall apply.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after the item relating to chapter 50A the following new item:

''CHAPTER 50B—ONLINE PORNOGRAPHIC SERVICES''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales made after the date of enactment of this Act.

SEC. _____. ENHANCEMENT OF ADOPTION TAX CREDIT.

(a) INCREASE IN AMOUNTS.—

(1) IN GENERAL.—Paragraph (1) of section 23(b) of the Internal Revenue Code of 1986 is amended by striking ''$10,000'' and inserting ''$20,000''.

(2) ADOPTION OF CHILD WITH SPECIAL NEEDS.—Paragraph (3) of section 23(a) of such Code is amended—

(A) by striking ''$10,000'' in the heading and inserting ''$20,000'', and

(B) by striking ''$10,000'' and inserting ''$20,000''.

(b) INFLATION ADJUSTMENT OF INCREASE AND INCOME LIMITATION.—Subsection (g) of section 23 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''December 31, 2002'' and inserting ''December 31, 2022'', and

(2) by striking ''2001'' in paragraph (2) thereof and inserting ''2021''.

(c) MEDICAL EXPENSES.—23(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(4) MEDICAL EXPENSES.—The term 'qualified adoption expenses' shall include any reasonable medical expenses which are—

''(A) related to the pregnancy and birth of an eligible child,

''(B) incurred by an individual who has adopted such child, and

''(C) not reimbursed under a health plan or otherwise.''.

(d) TEMPORARY REFUNDABILITY.—

(1) IN GENERAL.—Section 23 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(j) TEMPORARY REFUNDABILITY.—

''(1) IN GENERAL.—In the case of a taxable year beginning after December 31, 2022, and before January 1, 2028, this section shall be applied as provided in paragraph (2).

''(2) PORTION OF CREDIT REFUNDABLE.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

''(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a), or

''(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 26(a) were increased by the greater of—

''(i) 15 percent of so much of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds $3,000, or

''(ii) in the case of a taxpayer with 3 or more qualifying children (as defined in section 24(c)), the excess (if any) of—

''(I) the taxpayer's social security taxes for the taxable year, over

''(II) the credit allowed under section 32 for the taxable year.

''(3) ADDITIONAL RULES.—The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a). For purposes of subparagraph (B) of paragraph (2), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.

''(4) SOCIAL SECURITY TAXES.—For purposes of this subsection, the term 'social security taxes' has the same meaning given such term under section 24(d)(2).

''(5) EXCEPTION FOR TAXPAYERS EXCLUDING FOREIGN EARNED INCOME.—This subsection shall not apply to any taxpayer for any taxable year if such taxpayer elects to exclude any amount from gross income under section 911 for such taxable year.''.

(2) CONFORMING AMENDMENT.—Section 23(c)(1) is amended by inserting ''(after the application of subsection (j))'' after ''for any taxable year''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5334. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TEMPORARY EXEMPTIONS FROM FDA INFANT FORMULA REQUIREMENTS.

(a) IN GENERAL.—With respect to any infant formula described in subsection (e) and introduced or delivered for introduction into interstate commerce during the 187-day period beginning on the date of the enactment of this Act—

(1) the requirements under section 412 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a) shall not apply;

(2) such infant formula may be manufactured, processed, packed, or held in a domestic or foreign facility that is not registered under section 415 of such Act (21 U.S.C. 350d);

(3) the requirements under parts 106 and 107 of title 21, Code of Federal Regulations, shall not apply; and

(4) such infant formula shall not be considered to be misbranded or adulterated solely on the basis of not being in compliance with the requirements of such section 412 or 415, or such part 106 or 107.

(b) NOTIFICATION REQUIREMENT.—

(1) IN GENERAL.—A person who introduces or delivers for introduction into interstate commerce an infant formula as described in subsection (a) shall notify the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') if such person has knowledge which reasonably supports the conclusion that such infant formula—

(A) may not provide the nutrients required by section 412(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(i)); or

(B) is a product that meets any criterion under section 402(a) of such Act (21 U.S.C. 342(a)), or which otherwise may be unsafe for infant consumption.

(2) KNOWLEDGE DEFINED.—For purposes of paragraph (1), the term ''knowledge'' as applied to a person subject to such subparagraph means—

(A) the actual knowledge that the manufacturer had; or

(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

(c) RECALL AUTHORITY.—If the Secretary determines that infant formula described in subsection (e) and introduced or delivered for introduction into interstate commerce is a product described in subsection (b)(1)(B), the manufacturer or importer shall immediately take all actions necessary to recall shipments of such infant formula from all wholesale and retail establishments, consistent with recall regulations and guidelines issued by the Secretary.

(d) CLARIFICATION.—Section 801(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(j)) shall apply with respect to any infant formula introduced or delivered for introduction into interstate commerce pursuant to this section during the 187-day period beginning on the date of the enactment of this Act.

(e) INFANT FORMULA DESCRIBED.—Infant formula is described in this subsection if the infant formula—

(1) is classified under heading 1901.10 of the Harmonized Tariff Schedule of the United States;

(2) was approved by the agency of the government of that country that regulates infant formula; and

(3) is imported from—

(A) Australia;

(B) Israel;

(C) Japan;

(D) New Zealand;

(E) Switzerland;

(F) South Africa;

(G) the United Kingdom;

(H) a member country of the European Union; or

(I) a member country of the European Economic Area.

SA 5335. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. OFFICE OF FEDERAL REGULATORY RELIEF.

(a) ESTABLISHMENT.—There is established within the Office of Information and Regulatory Affairs within the Office of Management and Budget an Office of Federal Regulatory Relief.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be the Administrator or a designee thereof, who shall—

(A) be responsible for—

(i) establishing a regulatory sandbox program described in section 70009;

(ii) receiving Program applications and ensuring those applications are complete;

(iii) referring complete Program applications to the applicable agencies;

(iv) filing final Program application decisions from the applicable agencies;

(v) hearing appeals from applicants if their applications are denied by an applicable agency in accordance with section 70009(c)(6); and

(vi) designating staff to the Office as needed; and

(B) not later than 180 days after the date of enactment of this Act—

(i) establish a process that is used to assess likely health and safety risks, risks that are likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers related to applications submitted for the Program, which shall be—

(I) published in the Federal Register and made publicly available with a detailed list of the criteria used to make such determinations; and

(II) subject to public comment before final publication in the Federal Register; and

(ii) establish the application process described in section 70009(c)(1).

(2) ADVISORY BOARDS.—

(A) ESTABLISHMENT.—The Director shall require the head of each agency to establish an advisory board, which shall—

(i) be composed of 10 private sector representatives appointed by the head of the agency—

(I) with expertise in matters under the jurisdiction of the agency, with not more than 5 representatives from the same political party;

(II) who shall serve for a period of not more than 3 years; and

(III) who shall not receive any compensation for participation on the advisory board; and

(ii) be responsible for providing input to the head of the agency for each Program application received by the agency.

(B) VACANCY.—A vacancy on an advisory board established under subparagraph (A), including a temporary vacancy due to a recusal under subparagraph (C)(ii), shall be filled in the same manner as the original appointment with an individual who meets the qualifications described in subparagraph (A)(i)(I).

(C) CONFLICT OF INTEREST.—

(i) IN GENERAL.—If a member of an advisory board established under subparagraph (A) is also the member of the board of an applicant that submits an application under review by the advisory board, the head of the agency or a designee thereof may appoint a temporary replacement for that member.

(ii) FINANCIAL INTEREST.—Each member of an advisory board established under subparagraph (A) shall recuse themselves from advising on an application submitted under the Program for which the member has a conflict of interest as described in section 208 of title 18, United States Code.

(D) SMALL BUSINESS CONCERNS.—Not less than 5 of the members of each advisory board established under subparagraph (A) shall be representatives of a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

(E) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent an agency from establishing additional advisory boards as needed to assist in reviewing Program applications that involve multiple or unique industries.

SEC. 70009. REGULATORY SANDBOX PROGRAM.

(a) IN GENERAL.—The Director shall establish a regulatory sandbox program under which applicable agencies shall grant or deny waivers of covered provisions to temporarily test products or services on a limited basis, or undertake a project to expand or grow business facilities consistent with the purpose described in subsection (b), without otherwise being licensed or authorized to do so under that covered provision.

(b) PURPOSE.—The purpose of the Program is to incentivize the success of current or new businesses, the expansion of economic opportunities, the creation of jobs, and the fostering of innovation.

(c) APPLICATION PROCESS FOR WAIVERS.—

(1) IN GENERAL.—The Office shall establish an application process for the waiver of covered provisions, which shall require that an application shall—

(A) confirm that the applicant—

(i) is subject to the jurisdiction of the Federal Government; and

(ii) has established or plans to establish a business that is incorporated or has a principal place of business in the United States from which their goods or services are offered from and their required documents and data are maintained;

(B) include relevant personal information such as the legal name, address, telephone number, email address, and website address of the applicant;

(C) disclose any criminal conviction of the applicant or other participating persons, if applicable;

(D) contain a description of the good, service, or project to be offered by the applicant for which the applicant is requesting waiver of a covered provision by the Office under the Program, including—

(i) how the applicant is subject to licensing, prohibitions, or other authorization requirements outside of the Program;

(ii) each covered provision that the applicant seeks to have waived during participation in the Program;

(iii) how the good, service, or project would benefit consumers;

(iv) what likely risks the participation of the applicant in the Program may pose, and how the applicant intends to reasonably mitigate those risks;

(v) how participation in the Program would render the offering of the good, service, or project successful;

(vi) a description of the plan and estimated time periods for the beginning and end of the offering of the good, service, or project under the Program;

(vii) a recognition that the applicant will be subject to all laws and rules after the conclusion of the offering of the good, service, or project under the Program;

(viii) how the applicant will end the demonstration of the offering of the good, service, or project under the Program;

(ix) how the applicant will repair harm to consumers if the offering of the good, service, or project under the Program fails; and

(x) a list of each agency that regulates the business of the applicant; and

(E) include any other information as required by the Office.

(2) ASSISTANCE.—The Office may, upon request, provide assistance to an applicant to complete the application process for a waiver under the Program, including by providing the likely covered provisions that could be eligible for such a waiver.

(3) AGENCY REVIEW.—

(A) TRANSMISSION.—Not later than 14 days after the date on which the Office receives an application under paragraph (1), the Office shall submit a copy of the application to each applicable agency.

(B) REVIEW.—The head of an applicable agency, or a designee thereof, shall review a Program application received under subparagraph (A) with input from the advisory board established under section 70008(b)(2).

(C) CONSIDERATIONS.—In reviewing a copy of an application submitted to an applicable agency under subparagraph (A), the head of the applicable agency, or a designee thereof, with input from the advisory board of the applicable agency established under section 70008(b)(2), shall consider whether—

(i) the plan of the applicant to deploy their offering will adequately protect consumers from harm;

(ii) the likely health and safety risks, risks that are likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers are outweighed by the potential benefits to consumers from the offering of the applicant; and

(iii) it is possible to provide the applicant a waiver even if the Office does not waive every covered provision requested by the applicant.

(D) FINAL DECISION.—

(i) IN GENERAL.—Subject to clause (ii), the head of an applicable agency, or a designee thereof, who receives a copy of an application under subparagraph (A) shall, with the consideration of the recommendations of the advisory board of the applicable agency established under section 70008(b)(2), make the final decision to grant or deny the application.

(ii) IN PART APPROVAL.—

(I) IN GENERAL.—If more than 1 applicable agency receives a copy of an application under subparagraph (A)—

(aa) the head of each applicable agency (or their designees), with input from the advisory board of the applicable agency established under section 70008(b)(2), shall grant or deny the waiver of the covered provisions over which the applicable agency has jurisdiction for enforcement or implementation; and

(bb) if each applicable agency that receives an application under subparagraph (A) grants the waiver under item (aa), the Director shall grant the entire application.

(II) IN PART APPROVAL BY DIRECTOR.—If an applicable agency denies part of an application under subclause (I) but another applicable agency grants part of the application, the Director shall approve the application in part and specify in the final decision which covered provisions are waived.

(E) RECORD OF DECISION.—

(i) IN GENERAL.—Not later than 180 days after receiving a copy of an application under subparagraph (A), an applicable agency shall approve or deny the application and submit to the Director a record of the decision, which shall include a description of each likely health and safety risk, each risk that is likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers that the covered provision the applicant is seeking to have waived protects against, and—

(I) if the application is approved, a description of how the identifiable, significant harms will be mitigated and how consumers will be protected under the waiver;

(II) if the applicable agency denies the waiver, a description of the reasons for the decision, including why a waiver would likely cause health and safety risks, likely cause economic damage, and increase the likelihood for unfair or deceptive practices to be committed against consumers, and the likelihood of such risks occurring, as well as reasons why the application cannot be approved in part or reformed to mitigate such risks; and

(III) if the applicable agency determines that a waiver would likely cause health and safety risks, likely cause economic damage, and there is likelihood for unfair or deceptive practices to be committed against consumers as a result of the covered provision that an applicant is requesting to have waived, but the applicable agency determines such risks can be protected through less restrictive means than denying the application, the applicable agency shall provide a recommendation of how that can be achieved.

(ii) NO RECORD SUBMITTED.—If the applicable agency does not submit a record of the decision with respect to an application for a waiver submitted to the applicable agency,

the Office shall assume that the applicable agency does not object to the granting of the waiver.

(iii) EXTENSION.—The applicable agency may request one 30-day extension of the deadline for a record of decision under clause (i).

(iv) EXPEDITED REVIEW.—If the applicable agency provides a recommendation described in clause (i)(III), the Office shall provide the applicant with a 60-day period to make necessary changes to the application, and the applicant may resubmit the application to the applicable agency for expedited review over a period of not more than 60 days.

(4) NONDISCRIMINATION.—In considering an application for a waiver, an applicable agency shall not unreasonably discriminate among applications under the Program or resort to any unfair or unjust discrimination for any reason.

(5) RESCISSION; FEE.—

(A) RESCISSION.—There is hereby rescinded $100,000,000 from amounts appropriated under section 70002.

(B) APPLICATION FEE.—The Office may collect an application fee from each applicant under the Program, which—

(i) shall be in a fair amount and reflect the cost of the service provided;

(ii) shall be deposited in the general fund of the Treasury and allocated to the Office, subject to appropriations; and

(iii) shall not be increased more frequently than once every 2 years.

(6) WRITTEN AGREEMENT.—If each applicable agency grants a waiver requested in an application submitted under paragraph (1), the waiver shall not be effective until the applicant enters into a written agreement with the Office that describes each covered provision that is waived under the Program.

(7) LIMITATION.—An applicable agency may not waive under the Program any tax, fee, or charge imposed by the Federal Government.

(8) APPEALS.—

(A) IN GENERAL.—If an applicable agency denies an application under paragraph (3)(E), the applicant may submit to the Office one appeal for reconsideration, which shall—

(i) address the comments of the applicable agency that resulted in denial of the application; and

(ii) include how the applicant plans to mitigate the likely risks identified by the applicable agency.

(B) OFFICE RESPONSE.—Not later than 60 days after receiving an appeal under subparagraph (A), the Director shall—

(i) determine whether the appeal sufficiently addresses the concerns of the applicable agency; and

(ii)(I) if the Director determines that the appeal sufficiently addresses the concerns of the applicable agency, file a record of decision detailing how the concerns have been remedied and approve the application; or

(II) if the Director determines that the appeal does not sufficiently address the concerns of the applicable agency, file a record of decision detailing how the concerns have not been remedied and deny the application.

(9) NONDISCRIMINATION.—The Office shall not unreasonably discriminate among applications under the Program or resort to any unfair or unjust discrimination for any reason in the implementation of the Program.

(10) JUDICIAL REVIEW.—

(A) RECORD OF DECISION.—A record of decision described in paragraph (3)(E) or (8)(B) shall be considered a final agency action for purposes of review under section 704 of title 5, United States Code.

(B) LIMITATION.—A reviewing court considering claims made against a final agency action under this section shall be limited to whether the agency acted in accordance with the requirements set forth under this section.

(C) RIGHT TO JUDICIAL REVIEW.—Nothing in this paragraph shall be construed to establish a right to judicial review under this section.

(d) PERIOD OF WAIVER.—

(1) INITIAL PERIOD.—Except as provided in this subsection, a waiver granted under the Program shall be for a term of 2 years.

(2) CONTINUANCE.—The Office may continue a waiver granted under the Program for a maximum of 4 additional periods of 2 years as determined by the Office.

(3) NOTIFICATION.—Not later than 30 days before the end of an initial waiver period under paragraph (1), an entity that is granted a waiver under the Program shall notify the Office if the entity intends to seek a continuance under paragraph (2).

(4) REVOCATION.—

(A) SIGNIFICANT HARM.—If the Office determines that an entity that was granted a waiver under the Program is causing significant harm to the health or safety of the public, inflicting severe economic damage on the public, or engaging in unfair or deceptive practices, the Office may immediately end the participation of the entity in the Program by revoking the waiver.

(B) COMPLIANCE.—If the Office determines that an entity that was granted a waiver under the Program is not in compliance with the terms of the Program, the Office shall give the entity 30 days to correct the action, and if the entity does not correct the action by the end of the 30-day period, the Office may end the participation of the entity in the Program by revoking the waiver.

(e) TERMS.—An entity for which a waiver is granted under the Program shall be subject to the following terms:

(1) A covered provision may not be waived if the waiver would prevent a consumer from seeking actual damages or an equitable remedy in the event that a consumer is harmed.

(2) While a waiver is in use, the entity shall not be subject to the criminal or civil enforcement of a covered provision identified in the waiver.

(3) An agency may not file or pursue any punitive action against a participant during the period for which the waiver is in effect, including a fine or license suspension or revocation for the violation of a covered provision identified in the waiver.

(4) The entity shall not have immunity related to any criminal offense committed during the period for which the waiver is in effect.

(5) The Federal Government shall not be responsible for any business losses or the recouping of application fees if the waiver is denied or the waiver is revoked at any time.

(f) CONSUMER PROTECTION.—

(1) IN GENERAL.—Before distributing an offering to consumers under a waiver granted under the Program, and throughout the duration of the waiver, an entity shall publicly disclose the following to consumers:

(A) The name and contact information of the entity.

(B) That the entity has been granted a waiver under the Program, and if applicable, that the entity does not have a license or other authorization to provide an offering under covered provisions outside of the waiver.

(C) If applicable, that the offering is undergoing testing and may not function as intended and may expose the consumer to certain risks as identified in the record of decision of the applicable agency submitted under section 70009(c)(3)(E).

(D) That the entity is not immune from civil liability for any losses or damages caused by the offering.

(E) That the entity is not immune from criminal prosecution for violation of covered provisions that are not suspended under the waiver.

(F) That the offering is a temporary demonstration and may be discontinued at the end of the initial period under subsection (d)(1).

(G) The expected commencement date of the initial period under subsection (d)(1).

(H) The contact information of the Office and that the consumer may contact the Office and file a complaint.

(2) ONLINE OFFERING.—With respect to an offering provided over the internet under the Program, the consumer shall acknowledge receipt of the disclosures required under paragraph (1) before any transaction is completed.

(g) RECORD KEEPING.—

(1) IN GENERAL.—An entity that is granted a waiver under this section shall retain records, documents, and data produced that is directly related to the participation of the entity in the Program.

(2) NOTIFICATION BEFORE ENDING OFFERING.—If an applicant decides to end their offering before the initial period ends under subsection (d)(1), the applicant shall submit to the Office and the applicable agency a report on actions taken to ensure consumers have not been harmed as a result.

(3) REQUEST FOR DOCUMENTS.—The Office may request records, documents, and data from an entity that is granted a waiver under this section that is directly related to the participation of the entity in the Program, and upon the request, the applicant shall make such records, documents, and data available for inspection by the Office.

(4) NOTIFICATION OF INCIDENTS.—An entity that is granted a waiver under this section shall notify the Office and any applicable agency of any incident that results in harm to the health or safety of consumers, severe economic damage, or an unfair or deceptive practice under the Program not later than 72 hours after the incident occurs.

(h) REPORTS.—

(1) ENTITIES GRANTED A WAIVER.—

(A) IN GENERAL.—Any entity that is granted a waiver under this section shall submit to the Office reports that include—

(i) how many consumers are participating in the good, service, or project offered by the entity under the Program;

(ii) an assessment of the likely risks and how mitigation is taking place;

(iii) any previously unrealized risks that have manifested; and

(iv) a description of any adverse incidents and the ensuing process taken to repair any harm done to consumers.

(B) TIMING.—An entity shall submit a report required under subparagraph (A)—

(i) 10 days after 30 days elapses from commencement of the period for which a waiver is granted under the Program;

(ii) 30 days after the halfway mark of the period described in clause (i); and

(iii) 30 days before the expiration of the period described in subsection (d)(1).

(2) ANNUAL REPORT BY DIRECTOR.—The Director shall submit to Congress an annual report on the Program, which shall include, for the year covered by the report—

(A) the number of applications approved;

(B) the name and description of each entity that was granted a waiver under the Program;

(C) any benefits realized to the public from the Program; and

(D) any harms realized to the public from the Program.

(i) SPECIAL MESSAGE TO CONGRESS.—

(1) DEFINITION.—In this subsection, the term ''covered resolution'' means a joint resolution—

(A) the matter after the resolving clause of which contains only—

(i) a list of some or all of the covered provisions that were recommended for repeal under paragraph (2)(A)(ii) in a special message submitted to Congress under that paragraph; and

(ii) a provision that immediately repeals the listed covered provisions described in paragraph (2)(A)(ii) upon enactment of the joint resolution; and

(B) upon which Congress completes action before the end of the first period of 60 calendar days after the date on which the special message described in subparagraph (A)(i) of this paragraph is received by Congress.

(2) SUBMISSION.—

(A) IN GENERAL.—Not later than the first day on which both Houses of Congress are in session after May 1 of each year, the Director shall submit to Congress a special message that—

(i) details each covered provision that the Office recommends should be amended or repealed as a result of entities being able to operate safely without those covered provisions during the Program;

(ii) lists any covered provision that should be repealed as a result of having been waived for a period of not less than 6 years during the Program; and

(iii) explains why each covered provision described in clauses (i) and (ii) should be amended or repealed.

(B) DELIVERY TO HOUSE AND SENATE; PRINTING.—Each special message submitted under subparagraph (A) shall be—

(i) delivered to the Clerk of the House of Representatives and the Secretary of the Senate; and

(ii) printed in the Congressional Record.

(3) PROCEDURE IN HOUSE AND SENATE.—

(A) REFERRAL.—A covered resolution shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(B) DISCHARGE OF COMMITTEE.—If the committee to which a covered resolution has been referred has not reported the resolution at the end of 25 calendar days after the introduction of the resolution—

(i) the committee shall be discharged from further consideration of the resolution; and

(ii) the resolution shall be placed on the appropriate calendar.

(4) FLOOR CONSIDERATION IN THE HOUSE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution.

(ii) PRIVILEGE.—A motion described in clause (i) shall be highly privileged and not debatable.

(iii) NO AMENDMENT OR MOTION TO RECONSIDER.—An amendment to a motion described in clause (i) shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) DEBATE.—

(i) IN GENERAL.—Debate in the House of Representatives on a covered resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution.

(ii) NO MOTION TO RECONSIDER.—It shall not be in order in the House of Representatives to move to reconsider the vote by which a covered resolution is agreed to or disagreed to.

(C) NO MOTION TO POSTPONE CONSIDERATION OR PROCEED TO CONSIDERATION OF OTHER BUSINESS.—In the House of Representatives, motions to postpone, made with respect to the consideration of a covered resolution, and motions to proceed to the consideration of other business, shall not be in order.

(D) APPEALS FROM DECISIONS OF CHAIR.—An appeal from the decision of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a covered resolution shall be decided without debate.

(5) FLOOR CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee of the Senate to which a covered resolution is referred has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution and all points of order against the covered resolution are waived.

(ii) DIVISION OF TIME.—A motion to proceed described in clause (i) is subject to 4 hours of debate divided equally between those favoring and those opposing the covered resolution.

(iii) NO AMENDMENT OR MOTION TO POSTPONE OR PROCEED TO OTHER BUSINESS.—A motion to proceed described in clause (i) is not subject to—

(I) amendment;

(II) a motion to postpone; or

(III) a motion to proceed to the consideration of other business.

(B) FLOOR CONSIDERATION.—

(i) GENERAL.—In the Senate, a covered resolution shall be subject to 10 hours of debate divided equally between those favoring and those opposing the covered resolution.

(ii) AMENDMENTS.—In the Senate, no amendment to a covered resolution shall be in order, except an amendment that strikes from or adds to the list required under paragraph (1)(A)(i) a covered provision recommended for amendment or repeal by the Office.

(iii) MOTIONS AND APPEALS.—In the Senate, a motion to reconsider a vote on final passage of a covered resolution shall not be in order, and points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a covered resolution, one House receives from the other a covered resolution—

(A) the covered resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day on which it is received; and

(B) the procedures set forth in paragraph (4) or (5), as applicable, shall apply in the receiving House to the covered resolution received from the other House to the same extent as those procedures apply to a covered resolution of the receiving House.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.—Paragraphs (3) through (7) are enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in the House in the case of covered resolutions, and supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) require an entity that is granted a waiver under this section to publicly disclose proprietary information, including trade secrets or commercial or financial information that is privileged or confidential; or

(2) affect any other provision of law or regulation applicable to an entity that is not included in a waiver provided under this section.

(k) DIRECT APPROPRIATIONS.—There is appropriated to the Office for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to carry out the Program.

SEC. 70010. DEFINITIONS.

In sections 70008 and 70009:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Information and Regulatory Affairs.

(2) AGENCY; RULE.—The terms ''agency'' and ''rule'' have the meanings given those terms in section 551 of title 5, United States Code.

(3) APPLICABLE AGENCY.—The term ''applicable agency'' means an agency that has jurisdiction over the enforcement or implementation covered provision for which an applicant is seeking a waiver under the Program.

(4) COVERED PROVISION.—The term ''covered provision'' means—

(A) a rule, including a rule required to be issued under law; or

(B) guidance or any other document issued by an agency.

(5) DIRECTOR.—The term ''Director'' means the Director of the Office.

(6) ECONOMIC DAMAGE.—The term ''economic damage'' means a risk that is likely to cause tangible, physical harm to the property or assets of consumers.

(7) HEALTH OR SAFETY.—The term ''health or safety'', with respect to a risk, means the risk is likely to cause bodily harm to a human life, loss of human life, or an inability to sustain the health or life of a human being.

(8) OFFICE.—The term ''Office'' means the Office of Federal Regulatory Relief established under section 70008(a).

(9) PROGRAM.—The term ''Program'' means the program established under section 70009(a).

(10) UNFAIR OR DECEPTIVE TRADE PRACTICE.—The term ''unfair or deceptive trade practice'' has the meaning given the term in—

(A) the Policy Statement of the Federal Trade Commission on Deception, issued on October 14, 1983; and

(B) the Policy Statement of the Federal Trade Commission on Unfairness, issued on December 17, 1980.

SA 5336. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 40008. ACTIONS BY NATIONAL MARINE FISHERIES SERVICE TO INCREASE ENERGY PRODUCTION.

(a) IN GENERAL.—The National Marine Fisheries Service shall—

(1) immediately upon the enactment of this Act, take action to address the outstanding backlog of letters of authorization from Federal oil and gas lessees to develop their Federal leases;

(2) not later than 45 days after such date of enactment, issue an interim rule that allows

the Service to approve outstanding and future applications for letters of authorization consistent with the Service's permitting activities that existed before the issuance, on January 21, 2021, of the final rule relating to taking marine mammals incidental to geophysical surveys related to oil and gas activities in the Gulf of Mexico (86 Fed. Reg. 5322); and

(3) on and after such date of enactment, prioritize the consideration of applications for letters of authorization that would likely lead to immediate energy production.

(b) FUNDING.—Of amounts appropriated by section 40001, there are available to the Administrator of the National Oceanic and Atmospheric Administration such amounts as are necessary to carry out subsection (a).

SA 5337. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 40003, strike the period at the end and insert '', with the goal of completing all of the permitting and approval processes for each proposed action not later than two years after commencement.''.

SA 5338. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 50302, insert ''that are completed not later than 2 years after commencement'' before the period at the end.

SA 5339. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 729, line 22, strike ''timely'' and insert ''expedited''.

SA 5340. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 718, strike lines 20 through 23 and insert the following:

collection systems;

(3) to support efforts to ensure that any mapping or screening tool is accessible to community-based organizations and community members; and

(4) to collect and make publicly available information relating to the impacts of the process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) across Federal agencies, including—

(A)(i) the number of proposed actions for which a Federal agency issued a categorical exclusion in the year preceding the date of enactment of this Act; and

(ii) the length of time that the Federal agency took to issue each such categorical exclusion;

(B) the number of actions proposed by a Federal agency that are pending as of the date on which the information required under this paragraph is published and for which issuance of a categorical exclusion is pending;

(C)(i) the number of proposed actions for which a Federal agency issued an environmental assessment in the year preceding the date of enactment of this Act; and

(ii) the length of time that the Federal agency took to complete each such environmental assessment;

(D) the number of actions proposed by a Federal agency that are pending as of the date on which the information required under this paragraph is published and for which issuance of an environmental assessment is pending;

(E)(i) the number of proposed actions for which a Federal agency issued an environmental impact statement in the year preceding the date of enactment of this Act; and

(ii) the length of time that the Federal agency took to complete each such environmental impact statement;

(F) the number of actions proposed by a Federal agency that are pending as of the date on which the information required under this paragraph is published and for which issuance of an environmental impact statement is pending; and

(G) the comprehensive costs of the process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for each action proposed by a Federal agency within the year preceding the date of enactment of this Act, including—

(i) the amount of money expended, as of the date of enactment of this Act, to carry out that process for each proposed action; and

(ii) an estimate of the remaining cost to complete each proposed action.

SA 5341. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 50301, insert ''that are completed not later than 2 years after commencement'' before the period at the end.

SA 5342. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 70001 and insert the following:

SEC. 70001. DHS OFFICE OF CHIEF READINESS SUPPORT OFFICER.

In addition to the amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2028, for the Office of the Chief Readiness Support Officer to carry out sustainability and environmental programs.

SEC. 70002. REGULATORY OVERSIGHT AND REVIEW TASK FORCE.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000 to remain available through September 30, 2031, for—

(1) the establishment of a task force to be known as the ''Regulatory Oversight and Review Task Force'' (referred to in this section as the ''Task Force'') described in subsection (b)(6)(A);

(2) the creation of a website described in subsection (b)(6)(B);

(3) the solicitation, collection, and publication of recommendations described in subsection (b)(6)(C); and

(4) reports to Congress on the findings of the Task Force described in subsection (b)(6)(D).

(b) TASK FORCE.—

(1) MEMBERSHIP.—The Task Force shall be composed of—

(A) the Director of the Office of Management and Budget, who shall serve as the Chairperson of the Task Force and shall be a non-voting, ex officio member of the Task Force;

(B) 1 representative of the Office of Information and Regulatory Affairs, who shall be a non-voting, ex officio member of the Task Force; and

(C) 16 individuals from the private sector, of whom—

(i) 4 shall be appointed by the majority leader of the Senate;

(ii) 4 shall be appointed by the minority leader of the Senate;

(iii) 4 shall be appointed by the Speaker of the House of Representatives; and

(iv) 4 shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS OF PRIVATE SECTOR MEMBERS.—

(A) EXPERTISE.—Each member of the Task Force appointed under paragraph (1)(C) shall be an individual with expertise in Federal regulatory policy, Federal regulatory compliance, economics, law, or business management.

(B) SMALL BUSINESS CONCERNS.—Not fewer than 2 of the members of the Task Force appointed under each clause of paragraph (1)(C) shall be representatives of a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

(C) POLITICAL AFFILIATION.—Not more than 2 of the members of the Task Force appointed under each clause of paragraph (1)(C) may be affiliated with the same political party.

(3) CONSULTATION WITH GAO.—In carrying out its functions under this section, the Task Force shall consult with the Government Accountability Office.

(4) NO COMPENSATION.—A member of the Task Force may not receive any compensation for serving on the Task Force.

(5) STAFF.—

(A) DESIGNATION OF EXISTING STAFF.—The Director of the Office of Management and Budget may designate employees of the Office of Management and Budget, including employees of the Office of Information and Regulatory Affairs, as necessary to help the Task Force carry out its duties under this section.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the provision of any additional compensation to an employee designated under that subparagraph.

(6) RESPONSIBILITIES.—The Task Force shall—

(A) evaluate, and provide recommendations for modification, consolidation, harmonization, or repeal of, Federal regulations or guidance that—

(i) exclude or otherwise inhibit competition, causing industries of the United States to be less competitive with global competitors;

(ii) create barriers to entry for United States businesses, including entrepreneurs and startups;

(iii) increase the operating costs for domestic manufacturing;

(iv) impose substantial compliance costs and other burdens on industries of the United States, making those industries less competitive with global competitors;

(v) impose burdensome and lengthy permitting processes and requirements;

(vi) impact energy production by United States businesses and make the United States dependent on foreign countries for energy supply;

(vii) restrict domestic mining, including the mining of critical minerals; or

(viii) inhibit capital formation in the economy of the United States;

(B) establish and maintain a user-friendly, public-facing website to be—

(i) a portal for the submission of written comments under subparagraph (C); and

(ii) a gateway for reports and key information;

(C)(i) not later than 15 days after the first meeting of the Task Force, initiate a process to solicit and collect written recommendations regarding regulations or guidance described in subparagraph (A) from the general public, interested parties, Federal agencies, and other relevant entities;

(ii) allow written recommendations under clause (i) to be submitted through—

(I) the website of the Task Force;

(II) regulations.gov;

(III) the mail; or

(IV) other appropriate written means;

(iii) publish each recommendation submitted under clause (i)—

(I) in the Federal Register;

(II) on the website of the Task Force; and

(III) on regulations.gov;

(iv) in addition to soliciting and collecting written recommendations under clause (i), conduct public outreach and convene focus groups in geographically diverse areas throughout the United States to solicit feedback and public comments regarding regulations or guidance described in subparagraph (A); and

(v) review the information received under clauses (i) and (iv) and consider including that information in the reports required under subparagraph (D); and

(D) submit quarterly and annual reports to Congress on the findings of the Task Force under this section that, subject to clause (iii) of this subparagraph—

(i) analyze the Federal regulations or guidance identified in accordance with subparagraph (A);

(ii) provide recommendations for modifications, consolidation, harmonization, and repeal of the regulations or guidance described in clause (i) of this subparagraph; and

(iii) only include a finding or recommendation if a majority of the members of the Task Force have approved the finding or recommendation.

(c) DUTY OF FEDERAL AGENCIES.—Upon request of the Task Force, a Federal agency shall provide applicable documents and information to help the Task Force carry out its functions under this section.

SA 5343. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED MANUFACTURING PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) SPECIAL ALLOWANCE FOR QUALIFIED MANUFACTURING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified manufacturing property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 100 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED MANUFACTURING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified manufacturing property' means any property—

''(i) which is tangible property,

''(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(iii) which is—

''(I) constructed, reconstructed, or erected by the taxpayer, or

''(II) acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(iv) which is integral to the operation of the manufacturing facility (as defined in section 144(a)(12)), and

''(v) the construction of which begins before January 1, 2028.

''(B) BUILDINGS AND STRUCTURAL COMPONENTS.—

''(i) IN GENERAL.—The term 'qualified manufacturing property' includes any building or its structural components which otherwise satisfy the requirements under subparagraph (A).

''(ii) EXCEPTION.—Subclause (I) shall not apply with respect to a building or portion of a building used for offices, administrative services, or other functions unrelated to manufacturing.

''(3) EXCEPTIONS.—

''(A) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in subsection (k)(2)(D).

''(B) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(C) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(4) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(E) shall apply.

''(5) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(G) shall apply.

''(6) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified manufacturing property which ceases to be qualified manufacturing property.''.

(b) COORDINATION WITH OTHER BONUS DEPRECIATION PROVISIONS.—

(1) Section 168(k)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) COORDINATION WITH QUALIFIED MANUFACTURING PROPERTY.—The term 'qualified property' shall not include any property to which subsection (n) applies.''.

(2) Section 168(l)(3) of such Code is amended by adding at the end the following new subparagraph:

''(E) COORDINATION WITH QUALIFIED MANUFACTURING PROPERTY.—The term 'qualified second generation biofuel plant property'shall not include any property to which subsection (n) applies.''.

(3) Section 168(m)(2)(B) of such Code is amended by adding at the end the following new clause:

''(iv) COORDINATION WITH QUALIFIED MANUFACTURING PROPERTY.—The term 'qualified reuse and recycling property'shall not include any property to which subsection (n) applies.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 5344. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DUTY-FREE TREATMENT OF CERTAIN CHASSIS.

A finished or unfinished chassis classified under statistical reporting number 8716.39.0090, 8716.90.5010, or 8716.90.5060 of the Harmonized Tariff Schedule of the United States and imported from a country with which the United States has in effect a collective defense arrangement as of the date of the enactment of this Act shall enter the United States free of duty on and after that date.

SA 5345. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED CARGO HANDLING PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) SPECIAL ALLOWANCE FOR QUALIFIED CARGO HANDLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified cargo handling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 100 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED CARGO HANDLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified cargo handling property' means any property—

''(i) which is tangible property,

''(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(iii) which is—

''(I) constructed, reconstructed, or erected by the taxpayer, or

''(II) acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(iv) which is—

''(I) used for purposes of cargo handling, and

''(II) remotely operated or remotely monitored (with or without the exercise of human intervention or control), and

''(v) the construction of which begins before January 1, 2028.

''(B) BUILDINGS AND STRUCTURAL COMPONENTS.—

''(i) IN GENERAL.—The term 'qualified cargo handling property' includes any building or its structural components which otherwise satisfy the requirements under subparagraph (A).

''(ii) EXCEPTION.—Subclause (I) shall not apply with respect to a building or portion of a building used for offices, administrative services, or other functions unrelated to cargo handling.

''(3) EXCEPTIONS.—

''(A) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in subsection (k)(2)(D).

''(B) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(C) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(4) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(E) shall apply.

''(5) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(G) shall apply.

''(6) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified cargo handling property which ceases to be qualified cargo handling property.''.

(b) CONFORMING AMENDMENT.—Section 168(k)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) COORDINATION WITH QUALIFIED CARGO HANDLING PROPERTY.—The term 'qualified property' shall not include any property to which subsection (n) applies.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 5346. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title I, add the following:

SEC. _____. TAX TREATMENT OF LICENSES FOR THE USE OF THE ELECTROMAGNETIC SPECTRUM.

(a) IN GENERAL.—Section 197 of the Internal Revenue Code of 1986 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) TEMPORARY SPECIAL RULE FOR LICENSES FOR THE USE OF THE ELECTROMAGNETIC SPECTRUM.—

''(1) IN GENERAL.—At the election of the taxpayer, in the case of any license, permit, or other right granted by a governmental unit or an agency or instrumentality thereof which is purchased at auction—

''(A) subsection (a) shall not apply, and

''(B) such license, permit, or other right shall be treated as an amount which is not chargeable to capital account and shall be allowed as a deduction.

''(2) TERMINATION.—This subsection shall not apply to any property acquired after September 30, 2031.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property acquired after the date of the enactment of this Act.

SA 5347. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF SECTION 466 OF TARIFF ACT OF 1930.

Section 466 of Tariff Act of 1930 (19 U.S.C. 1466) is repealed.

SA 5348. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COSTS AND FEES OF PARTIES.

(a) TITLE 5.—Section 504(b)(1)(A) of title 5, United States Code, is amended by striking ''or a special factor, such as the limited availability of qualified attorneys or agents for the proceedings involved,''.

(b) TITLE 28.—Section 2412(d)(2) of title 28, United States Code, is amended by striking ''or a special factor, such as the limited availability of qualified attorneys for the proceedings involved,''.

SA 5349. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In part 4 of subtitle D of title 1, strike all that precedes section 13403.

SA 5350. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Title I is amended by striking subtitles C and D and inserting the following:

Subtitle C—Other Provisions

PART 1—PERMANENT EXPENSING

SEC. 12101. PERMANENT FULL EXPENSING FOR QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (6) of section 168(k) is amended to read as follows:

''(6) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means, in the case of property placed in service (or, in the case of a specified plant described in paragraph (5), a plant which is planted or grafted) after September 27, 2017, 100 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 168(k) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i)(V), by inserting ''and'' at the end,

(II) in clause (ii), by striking ''clause (ii) of subparagraph (E), and'' and inserting ''clause (i) of subparagraph (E).'', and

(III) by striking clause (iii),

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking subclauses (II) and (III), and

(bb) by redesignating subclauses (IV) through (VI) as subclauses (II) through (IV), respectively,

(II) by striking clause (ii), and

(III) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively,

(iii) in subparagraph (C)—

(I) in clause (i), by striking ''and subclauses (II) and (III) of subparagraph (B)(i)'', and

(II) in clause (ii), by striking ''subparagraph (B)(iii)'' and inserting ''subparagraph (B)(ii)'', and

(iv) in subparagraph (E)—

(I) by striking clause (i), and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively, and

(B) in paragraph (5)(A), by striking ''planted before January 1, 2027, or is grafted before such date to a plant that has already been planted,'' and inserting ''planted or grafted''.

(2) Section 460(c)(6)(B) of such Code is amended by striking ''which'' and all that follows through the period and inserting ''which has a recovery period of 7 years or less.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 13201 of Public Law 115–97.

PART 2—SUPERFUND

SEC. 12201. REINSTATEMENT OF SUPERFUND.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611 is amended by striking subsection (e).

(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking ''9.7 cents'' and inserting ''16.4 cents''.

(B) Section 4611(c) is amended by adding at the end the following:

''(3) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of a year beginning after 2023, the amount in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.''.

(b) AUTHORITY FOR ADVANCES.—Section 9507(d)(3)(B) is amended by striking ''December 31, 1995'' and inserting ''December 31, 2032''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

PART 3—OTHER PROVISIONS

SEC. 12301. PERMANENT EXTENSION OF TAX RATE TO FUND BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121 is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date of the enactment of this Act.

SEC. 12302. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ''AMOUNT.—The amount'' and inserting ''AMOUNT.—

''(I) IN GENERAL.—The amount'', and

(2) by adding at the end the following new subclause:

''(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.''.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ''for a taxable year, there shall be allowed'' and inserting ''for a taxable year—

''(A) there shall be allowed'',

(B) by striking ''equal to the'' and inserting ''equal to so much of the'',

(C) by striking the period at the end and inserting ''as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and'', and

(D) by adding at the end the following new subparagraph:

''(B) there shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).''.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'', and

(B) by inserting '', and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,'' after ''calendar quarter''.

(3) CARRYOVER.—Paragraph (3) of section 3111(f) is amended by striking ''the credit'' and inserting ''any credit''.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ''credit'' and inserting ''credits'', and

(B) by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''.

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ''the $250,000 amount'' and inserting ''each of the $250,000 amounts''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5351. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 30002(c)(1), by inserting ''who prohibit from federally assisted housing any household that includes any individual who is subject to a lifetime registration requirement under a State sex offender registration program'' after ''property''.

SA 5352. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RESCISSION OF AMERICAN RESCUE PLAN ACT FUNDING.

There is rescinded the unobligated balance of amounts made available under title III of the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 53).

SA 5353. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 30002(c), strike paragraph (1) and insert the following:

(1) the term ''eligible recipient'' means any owner or sponsor of eligible property for whom the community service requirements under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)) shall apply; and

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SA 5354. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30002(b) and insert the following:

(b) LOAN AND GRANT TERMS AND CONDITIONS.—

(1) IN GENERAL.—Amounts made available under this section shall be for direct loans, grants, and direct loans that can be converted to grants to eligible recipients that agree to an extended period of affordability for the property.

(2) REPORTING GREENHOUSE GAS EMISSIONS.—

(A) REPORTING REQUIREMENT.—A recipient of amounts made available under this section shall annually report to the Secretary, until the end of the extended period of affordability described in paragraph (1), the scope 1 emissions, scope 2 emissions, and scope 3 emissions of the recipient for the preceding year.

(B) DEFINITIONS.—For purposes of this paragraph, with respect to a recipient of amounts made available under this section:

(i) DIRECT GREENHOUSE GAS EMISSIONS.—The term ''direct greenhouse gas emissions'' means greenhouse gas emissions expressed in metric tons of carbon dioxide equivalent from operations that are owned or controlled by the recipient.

(ii) GREENHOUSE GAS.—The term ''greenhouse gas'' means carbon dioxide, methane, nitrous oxide, nitrogen trifluoride, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(iii) INDIRECT GREENHOUSE GAS EMISSIONS.—The term ''indirect greenhouse gas emissions'' means greenhouse gas emissions expressed in metric tons of carbon dioxide equivalent that result from the activities of the recipient, but occur at sources not owned or controlled by the recipient.

(iv) SCOPE 1 EMISSIONS.—The term ''scope 1 emissions'' means direct greenhouse gas emissions.

(v) SCOPE 2 EMISSIONS.—The term ''scope 2 emissions'' means indirect greenhouse gas emissions from the generation of purchased or acquired electricity, steam, heat, or cooling that is consumed by operations owned or controlled by the recipient.

(vi) SCOPE 3 EMISSIONS.—The term ''scope 3 emissions'' means all indirect greenhouse gas emissions that—

(I) are not scope 2 emissions; and

(II) occur in the upstream activities or downstream activities of the value chain of the recipient.

SA 5355. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30002(a)(1) and insert the following:

(1) $837,500,000, to remain available until September 30, 2028, for the cost of providing direct loans, and for grants, as provided for in subsection (b), including to subsidize gross obligations for the principal amount of direct loans, not to exceed $4,000,000,000, to fund projects that improve security, prevent crime, and increase resident safety;

SA 5356. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 390, strike lines 1 through 18 and insert the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled—

''(i) by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(ii) in—

''(I) the People's Republic of China,

''(II) the Russian Federation,

''(III) the Islamic Republic of Iran,

''(IV) the Democratic People's Republic of Korea, or

''(V) the Republic of Belarus, or

''(B) any vehicle with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled—

''(i) by a foreign entity of concern (as so defined), or

''(ii) in any nation described in subparagraph (A)(ii).''.

SA 5357. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CVV REQUIREMENT FOR ONLINE CONTRIBUTIONS TO POLITICAL ORGANIZATIONS.

(a) IN GENERAL.—Section 527 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(m) CVV REQUIREMENT FOR ONLINE CONTRIBUTIONS.—An organization shall not be treated as an organization described in this section unless, in the case of any Internet credit card contribution accepted by such organization, the individual or entity making such contribution is required, at the time such contribution is made, to disclose the credit verification value of such credit card.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

SA 5358. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION RELATING TO IN-PERSON EMPLOYEES.

None of the amounts made available under section 10301 shall be used to hire any new employee until 90 percent of Internal Revenue Service employees employed as of the date of the enactment of this Act are working in person at an Internal Revenue Service office or job site.

SA 5359. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Extending Telehealth Flexibilities Under Medicare

SEC. 14001. REMOVING GEOGRAPHIC REQUIREMENTS AND EXPANDING ORIGINATING SITES FOR TELEHEALTH SERVICES.

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (2)(B)(iii)—

(A) by striking ''With'' and inserting ''In the case that the emergency period described in section 1135(g)(1)(B) ends before September 12, 2023, with''; and

(B) by striking ''that are furnished during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)'' and inserting ''that are furnished during the period beginning on the first day after the end of such emergency period and ending September 12, 2023''; and

(2) in paragraph (4)(C)(iii)—

(A) by striking ''With'' and inserting ''In the case that the emergency period described in section 1135(g)(1)(B) ends before September 12, 2023, with''; and

(B) by striking ''that are furnished during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)'' and inserting ''that are furnished during the period beginning on the first day after the end of such emergency period and ending on September 12, 2023''.

SEC. 14002. EXPANDING PRACTITIONERS ELIGIBLE TO FURNISH TELEHEALTH SERVICES.

Section 1834(m)(4)(E) of the Social Security Act (42 U.S.C. 1395m(m)(4)(E)) is amended by striking ''and, for the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)'' and inserting ''and, in the case that the emergency period described in section 1135(g)(1)(B) ends before September 12, 2023, for the period beginning on the first day after the end of such emergency period and ending on September 12, 2023''.

SEC. 14003. EXTENDING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

Section 1834(m)(8)(A) of the Social Security Act (42 U.S.C. 1395m(m)(8)(A)) is amended by striking ''during the 151-day period beginning on the first day after the end of such emergency period'' and inserting ''in the case that such emergency period ends before September 12, 2023, during the period beginning on the first day after the end of such emergency period and ending on September 12, 2023''.

SEC. 14004. DELAYING THE IN-PERSON REQUIREMENTS UNDER MEDICARE FOR MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH AND TELECOMMUNICATIONS TECHNOLOGY.

(a) DELAY IN REQUIREMENTS FOR MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH.—Section 1834(m)(7)(B)(i) of the Social Security Act (42 U.S.C. 1395m(m)(7)(B)(i)) is amended, in the matter preceding subclause (I), by striking ''on or after the day that is the 152nd day after the end of the period at the end of the emergency sentence described in section 1135(g)(1)(B))'' and inserting ''on or after September 13, 2023 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B))''.

(b) MENTAL HEALTH VISITS FURNISHED BY RURAL HEALTH CLINICS.—Section 1834(y) of the Social Security Act (42 U.S.C. 1395m(y)) is amended—

(1) in the heading, by striking ''TO HOSPICE PATIENTS''; and

(2) in paragraph (2), by striking ''prior to the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B))'' and inserting ''prior to September 13, 2023 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B))''.

(c) MENTAL HEALTH VISITS FURNISHED BY FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1834(o)(4) of the Social Security Act (42 U.S.C. 1395m(o)(4) is amended—

(1) in the heading, by striking ''TO HOSPICE PATIENTS''; and

(2) in subparagraph (B), by striking ''prior to the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B))'' and inserting ''prior to September 13, 2023 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B))''.

SEC. 14005. ALLOWING FOR THE FURNISHING OF AUDIO-ONLY TELEHEALTH SERVICES.

Section 1834(m)(9) of the Social Security Act (42 U.S.C. 1395m(m)(9)) is amended by striking ''The Secretary shall continue to provide coverage and payment under this part for telehealth services identified in paragraph (4)(F)(i) as of the date of the enactment of this paragraph that are furnished via an audio-only telecommunications system during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)'' and inserting ''In the case that the emergency period described in section 1135(g)(1)(B) ends before September 12, 2023, the Secretary shall continue to provide coverage and payment under this part for telehealth services identified in paragraph (4)(F)(i) that are furnished via an audio-only communications system during the period beginning on the first day after the end of such emergency period and ending on September 12, 2023''.

SEC. 14006. USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE ENCOUNTER PRIOR TO RECERTIFICATION OF ELIGIBILITY FOR HOSPICE CARE DURING EMERGENCY PERIOD.

Section 1814(a)(7)(D)(i)(II) of the Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by striking ''and during the 151-day period beginning on the first day after the end of such emergency period'' and inserting ''and, in the case that such emergency period ends before September 12, 2023, during the period beginning on the first day after the end of such emergency period described in such section 1135(g)(1)(B) and ending on September 12, 2023''.

SEC. 14007. REDUCTION IN FUNDING.

Section 11004 of this Act is amended by striking ''$3,000,000,000'' and inserting ''500,000,000''.

SA 5360. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 391, strike line 22 and all that follows through page 393, line 13, and insert the following:

''(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000,

''(ii) in the case of a head of household (as defined in section 2(b)), $112,500, and

''(iii) in the case of a taxpayer not described in clause (i) or (ii), $75,000.

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(11) MANUFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of $42,000.''.

SA 5361. Ms. ERNST (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 390, strike lines 1 through 18 and insert the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled—

''(i) by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(ii) in a country which is subject to an active withhold release order or finding issued by United States Customs and Border Protection of the Department of Homeland Security, or

''(B) any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled—

''(i) by a foreign entity of concern (as so defined), or

''(ii) in a country which is subject to an active withhold release order or finding issued by United States Customs and Border Protection of the Department of Homeland Security.''.

SA 5362. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Beginning on page 692, strike line 19 and all that follows through page 693, line 12.

SA 5363. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title

II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 386, strike line 7 and all that follows through page 390, line 18, and insert the following:

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the electric motor of such vehicle and the battery from which such electric motor draws electricity, the percentage of the value of the applicable critical minerals (as defined in section 45X(c)(6)) contained in such motor and such battery that were—

''(i) extracted or processed in any country with which the United States has a free trade agreement in effect, or

''(ii) recycled in North America,

is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 40 percent,

''(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent,

''(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent,

''(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent, and

''(v) in the case of a vehicle placed in service after December 31, 2026, 80 percent.

''(2) BATTERY AND ELECTRIC MOTOR COMPONENTS.—

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to—

''(i) the electric motor of such vehicle, and

''(ii) the battery from which such electric motor draws electricity,

the percentage of the value of the components contained in such motor and such battery that were manufactured or assembled in North America is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 50 percent,

''(ii) in the case of a vehicle placed in service during calendar year 2024 or 2025, 60 percent,

''(iii) in the case of a vehicle placed in service during calendar year 2026, 70 percent,

''(iv) in the case of a vehicle placed in service during calendar year 2027, 80 percent,

''(v) in the case of a vehicle placed in service during calendar year 2028, 90 percent,

''(vi) in the case of a vehicle placed in service after December 31, 2028, 100 percent.

''(3) REGULATIONS AND GUIDANCE.—

''(A) IN GENERAL.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(B) DEADLINE FOR PROPOSED GUIDANCE.—Not later than December 31, 2022, the Secretary shall issue proposed guidance with respect to the requirements under this subsection.''.

(2) EXCLUDED ENTITIES.—Section 30D(d), as amended by the preceding provisions of this section, is amended by adding at the end the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the electric motor or battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(B) any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the electric motor or battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).''.

SA 5364. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 404, strike line 11 and all that follows through page 406, line 2, and insert the following:

''(2) THRESHOLD AMOUNT.—For purposes of paragraph (1)(B), the threshold amount shall be—

''(A) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $100,000, and

''(B) in the case of a taxpayer not described in subparagraph (A), $50,000.

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) PREVIOUSLY-OWNED CLEAN VEHICLE.—The term 'previously-owned clean vehicle' means, with respect to a taxpayer, a motor vehicle—

''(A) the model year of which is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle,

''(B) the original use of which commences with a person other than the taxpayer,

''(C) which is acquired by the taxpayer in a qualified sale, and

''(D) which—

''(i) meets the requirements of subparagraphs (C), (D), (E), (F), and (H) (except for clause (iv) thereof) of section 30D(d)(1), or

''(ii) is a motor vehicle which—

''(I) satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

''(II) has a gross vehicle weight rating of less than 14,000 pounds.

''(2) QUALIFIED SALE.—The term 'qualified sale' means a sale of a motor vehicle—

''(A) by a dealer (as defined in section 30D(g)(8)),

''(B) for a sale price which does not exceed $20,000, and

SA 5365. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 391, strike line 19 and all that follows through page 392, line 5, and insert the following:

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A)(ii), the threshold amount shall be—

''(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $100,000, and

''(ii) in the case of a taxpayer not described in clause (i), $50,000.

SA 5366. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50173 and insert the following:

SEC. 50173. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2026—

(1) $100,000,000 to carry out the program elements described in subparagraphs (A) through (C) of section 2001(a)(2) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2));

(2) $500,000,000 to carry out the program elements described in subparagraphs (D) through (H) of that section; and

(3) $100,000,000 to carry out activities to support the availability of high-assay low-enriched uranium for civilian domestic research, development, demonstration, and commercial use under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall, in a manner consistent with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), use a competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(c) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 3 percent of the amounts appropriated by subsection (a) for administrative purposes.

(d) PROHIBITION.—Amounts appropriated by subsection (a) may not be used to purchase or otherwise acquire, use or make available for use, support the availability of, or otherwise provide funding for uranium or other nuclear fuel that is sourced from—

(1) the Russian Federation; or

(2) an entity that—

(A) is owned or controlled by the Government of the Russian Federation; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation.

SA 5367. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 5030__. PERMITTING AND REVIEW PROCESSES FOR DOMESTIC HARDROCK MINERAL PRODUCTION.

(a) FINDINGS.—Congress finds that—

(1) the United States is not only reliant on foreign sources for many of the raw materials needed for the economic and national

security of the United States, but is also attracting a decreasing share of global investment in the raw materials sector, a sector important to the economic and national security of the United States; and

(2) that trends of increased reliance on foreign sources for raw materials and decreasing global investment in the domestic raw materials sector have serious and negative implications for the domestic mineral supply chains necessary for technological innovation, modern infrastructure, and national security.

(b) PERMITTING.—The Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the Chief of the Forest Service shall work collaboratively to reverse the trends described in subsection (a)(2) by—

(1) streamlining permitting and review processes to ensure that all necessary use authorizations for domestic hardrock mineral production are completed not later than 2 years after receipt of the applicable request or application; and

(2) enhancing access to all hardrock mineral resources in order to increase discovery, production, and domestic refining of critical minerals by—

(A) evaluating and, where appropriate, reversing prior withdrawals from location, entry, and patent under the mining laws; and

(B) ensuring that future withdrawals from location, entry, and patent under the mining laws can only occur if—

(i) updated geological assessments have been completed;

(ii) the Governors of relevant States have been consulted; and

(iii) the acreage of any single withdrawal does not exceed 5,000 acres.

(c) RULEMAKING.—The Chief of the Forest Service shall revise all relevant regulations of the Forest Service governing hardrock mineral production on Federal land in order to ensure that those regulations are consistent with—

(1) the requirements of this section; and

(2) relevant regulations of the Bureau of Land Management.

SA 5368. Mr. CRAMER submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 390, line 5, strike ''2024'' and insert ''2023''.

SA 5369. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60111.

SA 5370. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike subtitle D of title VI.

SA 5371. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 23003 and insert the following:

SEC. 23003. FOREST SERVICE MAINTENANCE.

In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $600,000,000 for Forest Service recreational maintenance for campgrounds and recreation areas; and

(2) $1,000,000,000 for deferred maintenance of Forest Service roads and trails, subject to the condition that none of those funds may be used to decommission roads.

SA 5372. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

SEC. 11005. STRIKING THE PROVISIONS THAT PRECLUDE ADMINISTRATIVE OR JUDICIAL REVIEW.

(a) DRUG PRICE NEGOTIATION PROGRAM.—Part E of title XI of the Social Security Act, as added by section 11001, is amended by striking section 1198.

(b) MEDICARE PART D REBATE.—Section 1860D–14B of the Social Security Act, as added by section 11102, is amended by striking subsection (f).

(c) OFFSET.—The amount appropriated under section 10301(a)(1)(A)(ii) shall be reduced by $45,000,000,000.

SA 5373. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 10301(a)(1), strike subparagraph (B) and insert the following:

(B) REDUCTION IN IRS RETURN BACKLOG.—For necessary expenses of the Internal Revenue Service for reducing the backlog in processing income tax returns for tax years 2020 and 2021, $15,000,000, to remain available until September 30, 2023: *Provided*, That these amounts shall be in addition to amounts otherwise available for such purposes.

SA 5374. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301(a), add the following:

(4) LIMITATION.—None of the funds appropriated under this section may be obligated before the date on which he Commissioner of Internal Revenue certifies that the processing backlog with respect to income tax returns for taxable years 2020 and 2021 has been eliminated.

SA 5375. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 30001, strike ''to carry out'' and insert ''to increase oil refinery capacity in the United States using authorities under''.

SA 5376. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 50262, add the following:

(g) ONSHORE WIND AND SOLAR ENERGY ROYALTY RATE.—

(1) IN GENERAL.—The Secretary shall require, as a term and condition of any lease, right-of-way, permit, or other authorization for the development of solar or wind energy on public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the payment of a royalty in accordance with paragraph (2).

(2) AMOUNT.—The royalty on electricity produced using wind or solar resources under paragraph (1) shall be not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of this Act, and not less than 16⅔ percent thereafter, of the gross proceeds from the sale of that electricity.

(3) DEPOSIT.—Amounts received by the United States as royalties under this subsection shall be disposed of in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

SA 5377. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50261 and insert the following:

SEC. 50261. OFFSHORE WIND ENERGY ROYALTY RATE.

Section 8(p)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking ''(A) The Secretary'' and inserting the following:

''(A) ROYALTIES, FEES, RENTALS, BONUSES, OR OTHER PAYMENTS.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraphs (B) and (C), the Secretary''; and

(B) by adding at the end the following:

''(ii) ROYALTY RATE FOR OFFSHORE WIND-POWERED ELECTRIC GENERATION PROJECTS.—In establishing the royalty rate for a lease, easement, or right-of-way granted under paragraph (1)(C) for a wind-powered electric generation project, the Secretary shall establish the rate at not less than 12.5 percent of the gross proceeds from the sale of electricity produced by the wind-powered electric generation project.''; and

(2) in subparagraph (B)—

(A) by striking ''(B) The Secretary'' and inserting the following:

''(B) PAYMENTS TO CERTAIN STATES.—The Secretary''; and

(B) in the first sentence, by inserting ''(including amounts received as royalties, as established under subparagraph (A)(ii))'' after ''under this section''.

SA 5378. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 60501 through 60506 and insert the following:

SEC. 60501. NEIGHBORHOOD ACCESS AND EQUITY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 177. Neighborhood access and equity grant program

''(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $393,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for competitive grants to eligible entities described in subsection (b)—

''(1) to improve walkability, safety, and affordable transportation access through projects that are context-sensitive—

''(A) to remove, remediate, or reuse a facility described in subsection (c)(1);

''(B) to replace a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;

''(C) to retrofit or cap a facility described in subsection (c)(1);

''(D) to build or improve complete streets, multiuse trails, regional greenways, or active transportation networks and spines; or

''(E) to provide affordable access to essential destinations, public spaces, or transportation links and hubs;

''(2) to mitigate or remediate negative impacts on the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community through—

''(A) noise barriers to reduce impacts resulting from a facility described in subsection (c)(2);

''(B) technologies, infrastructure, and activities to reduce surface transportation-related greenhouse gas emissions and other air pollution;

''(C) natural infrastructure, pervious, permeable, or porous pavement, or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2);

''(D) infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities; or

''(E) safety improvements for vulnerable road users; and

''(3) for planning and capacity building activities in disadvantaged or underserved communities to—

''(A) identify, monitor, or assess local and ambient air quality, emissions of transportation greenhouse gases, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone transportation infrastructure;

''(B) assess transportation equity or pollution impacts and develop local anti-displacement policies and community benefit agreements;

''(C) conduct predevelopment activities for projects eligible under this subsection;

''(D) expand public participation in transportation planning by individuals and organizations in disadvantaged or underserved communities; or

''(E) administer or obtain technical assistance related to activities described in this subsection.

''(b) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subsection (a) is—

''(1) a State;

''(2) a unit of local government;

''(3) a political subdivision of a State;

''(4) an entity described in section 207(m)(1)(E);

''(5) a territory of the United States;

''(6) a special purpose district or public authority with a transportation function;

''(7) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(8) with respect to a grant described in subsection (a)(3), in addition to an eligible entity described in paragraphs (1) through (7), a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity described in paragraphs (1) through (7).

''(c) FACILITY DESCRIBED.—A facility referred to in subsection (a) is—

''(1) a surface transportation facility for which high speeds, grade separation, or other design factors create an obstacle to connectivity within a community; or

''(2) a surface transportation facility which is a source of air pollution, noise, stormwater, or other burden to a disadvantaged or underserved community.

''(d) INVESTMENT IN ECONOMICALLY DISADVANTAGED COMMUNITIES.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,262,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration to provide grants for projects in communities described in paragraph (2) for the same purposes and administered in the same manner as described in subsection (a).

''(2) COMMUNITIES DESCRIBED.—A community referred to in paragraph (1) is a community that—

''(A) is economically disadvantaged, underserved, or located in an area of persistent poverty;

''(B) has entered or will enter into a community benefits agreement with representatives of the community;

''(C) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or

''(D) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.

''(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available for a grant under this section and administered by or through a State department of transportation shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

''(f) COST SHARE.—The Federal share of the cost of an activity carried out using a grant awarded under this section shall be not more than 80 percent, except that the Federal share of the cost of a project in a disadvantaged or underserved community may be up to 100 percent.

''(g) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for—

''(1) guidance, technical assistance, templates, training, or tools to facilitate efficient and effective contracting, design, and project delivery by units of local government;

''(2) subgrants to units of local government to build capacity of such units of local government to assume responsibilities to deliver surface transportation projects; and

''(3) operations and administration of the Federal Highway Administration.

''(h) LIMITATIONS.—Amounts made available under this section shall not—

''(1) be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways; and

''(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''177. Neighborhood access and equity grant program.''.

SEC. 60502. ASSISTANCE FOR FEDERAL BUILDINGS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for measures necessary to convert facilities of the Administrator of General Services to high-performance green buildings (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

SEC. 60503. USE OF LOW-CARBON MATERIALS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,150,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, to acquire and install materials and products for use in the construction or alteration of buildings under the jurisdiction, custody, and control of the General Services Administration that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60504. GENERAL SERVICES ADMINISTRATION EMERGING TECHNOLOGIES.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $975,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for emerging and sustainable technologies, and related sustainability and environmental programs.

SEC. 60505. ENVIRONMENTAL REVIEW IMPLEMENTATION FUNDS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 178. Environmental review implementation funds

''(a) ESTABLISHMENT.—In addition to amounts otherwise available, for fiscal year 2022, there is appropriated to the Administrator, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects through—

''(1) the provision of guidance, technical assistance, templates, training, or tools to

facilitate an efficient and effective environmental review process for surface transportation projects and any administrative expenses of the Federal Highway Administration to conduct activities described in this section; and

''(2) providing funds made available under this subsection to eligible entities—

''(A) to build capacity of such eligible entities to conduct environmental review processes;

''(B) to facilitate the environmental review process for proposed projects by—

''(i) defining the scope or study areas;

''(ii) identifying impacts, mitigation measures, and reasonable alternatives;

''(iii) preparing planning and environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations;

''(iv) conducting public engagement activities; and

''(v) carrying out permitting or other activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a proposed project; and

''(C) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraphs (A) and (B).

''(b) COST SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section by an eligible entity shall be not more than 80 percent.

''(2) SOURCE OF FUNDS.—The non-Federal share of the cost of an activity carried out under this section by an eligible entity may be satisfied using funds made available to the eligible entity under any other Federal, State, or local grant program.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E);

''(F) a recipient of funds under section 203; or

''(G) a metropolitan planning organization (as defined in section 134(b)(2)).

''(3) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' has the meaning given the term in section 139(a)(5).

''(4) PROPOSED PROJECT.—The term 'proposed project' means a surface transportation project for which an environmental review process is required.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''178. Environmental review implementation funds.''.

SEC. 60506. LOW-CARBON TRANSPORTATION MATERIALS GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 179. Low-carbon transportation materials grants

''(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, and for the operations and administration of the Federal Highway Administration to carry out this section.

''(b) REIMBURSEMENT OF INCREMENTAL COSTS; INCENTIVES.—

''(1) IN GENERAL.—The Administrator shall, subject to the availability of funds, either reimburse or provide incentives to eligible recipients that use low-embodied carbon construction materials and products on a project funded under this title.

''(2) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

''(A) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

''(B) INCENTIVE AMOUNT.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the cost of using low-embodied carbon construction materials and products on a project funded under this title.

''(3) FEDERAL SHARE.—If a reimbursement or incentive is provided under paragraph (1), the total Federal share payable for the project for which the reimbursement or incentive is provided shall be up to 100 percent.

''(4) LIMITATIONS.—

''(A) IN GENERAL.—The Administrator shall only provide a reimbursement or incentive under paragraph (1) for a project on a—

''(i) Federal-aid highway;

''(ii) tribal transportation facility;

''(iii) Federal lands transportation facility; or

''(iv) Federal lands access transportation facility.

''(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

''(C) SINGLE OCCUPANT PASSENGER VEHICLES.—Funds made available under this section shall not be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

''(5) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

''(A) appropriate for use in projects eligible under this title; and

''(B) eligible for reimbursement or incentives under this section.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E);

''(F) a recipient of funds under section 203;

''(G) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(H) a special purpose district or public authority with a transportation function.

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''179. Low-carbon transportation materials grants.''.

SEC. 60507. RETENTION OF RECREATION FEES.

(a) IN GENERAL.—Section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) DEPOSIT INTO TREASURY ACCOUNT.—All fees collected under this subsection shall—

''(A) be deposited in a special account in the Treasury; and

''(B) be available for use, without further appropriation, for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary of the Army, subject to the condition that not less than 80 percent of fees collected at a specific recreation site are utilized at that site.''; and

(2) by adding at the end the following:

''(5) SUPPLEMENT, NOT SUPPLANT.—Fees collected under this subsection—

''(A) shall be in addition to annual appropriated funding provided for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary of the Army; and

''(B) shall not be used as a basis for reducing annual appropriated funding for those purposes.''.

(b) SPECIAL ACCOUNTS.—Amounts in the special account for the Corps of Engineers described in section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)) (as in effect on the day before the date of enactment of this Act) that are unobligated on that date shall—

(1) be transferred to the special account established under section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)) (as amended by subsection (a)(1)); and

(2) be available to the Secretary of the Army for operation and maintenance of any recreation sites and facilities under the jurisdiction of the Secretary of the Army, without further appropriation.

SA 5379. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 60501 through 60506 and insert the following:

SEC. 60501. NEIGHBORHOOD ACCESS AND EQUITY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 177. Neighborhood access and equity grant program

''(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,643,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for competitive grants to eligible entities described in subsection (b)—

''(1) to improve walkability, safety, and affordable transportation access through projects that are context-sensitive—

''(A) to remove, remediate, or reuse a facility described in subsection (c)(1);

''(B) to replace a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;

''(C) to retrofit or cap a facility described in subsection (c)(1);

''(D) to build or improve complete streets, multiuse trails, regional greenways, or active transportation networks and spines; or

''(E) to provide affordable access to essential destinations, public spaces, or transportation links and hubs;

''(2) to mitigate or remediate negative impacts on the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community through—

''(A) noise barriers to reduce impacts resulting from a facility described in subsection (c)(2);

''(B) technologies, infrastructure, and activities to reduce surface transportation-related greenhouse gas emissions and other air pollution;

''(C) natural infrastructure, pervious, permeable, or porous pavement, or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2);

''(D) infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities; or

''(E) safety improvements for vulnerable road users; and

''(3) for planning and capacity building activities in disadvantaged or underserved communities to—

''(A) identify, monitor, or assess local and ambient air quality, emissions of transportation greenhouse gases, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone transportation infrastructure;

''(B) assess transportation equity or pollution impacts and develop local anti-displacement policies and community benefit agreements;

''(C) conduct predevelopment activities for projects eligible under this subsection;

''(D) expand public participation in transportation planning by individuals and organizations in disadvantaged or underserved communities; or

''(E) administer or obtain technical assistance related to activities described in this subsection.

''(b) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subsection (a) is—

''(1) a State;

''(2) a unit of local government;

''(3) a political subdivision of a State;

''(4) an entity described in section 207(m)(1)(E);

''(5) a territory of the United States;

''(6) a special purpose district or public authority with a transportation function;

''(7) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(8) with respect to a grant described in subsection (a)(3), in addition to an eligible entity described in paragraphs (1) through (7), a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity described in paragraphs (1) through (7).

''(c) FACILITY DESCRIBED.—A facility referred to in subsection (a) is—

''(1) a surface transportation facility for which high speeds, grade separation, or other design factors create an obstacle to connectivity within a community; or

''(2) a surface transportation facility which is a source of air pollution, noise, stormwater, or other burden to a disadvantaged or underserved community.

''(d) INVESTMENT IN ECONOMICALLY DISADVANTAGED COMMUNITIES.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,262,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration to provide grants for projects in communities described in paragraph (2) for the same purposes and administered in the same manner as described in subsection (a).

''(2) COMMUNITIES DESCRIBED.—A community referred to in paragraph (1) is a community that—

''(A) is economically disadvantaged, underserved, or located in an area of persistent poverty;

''(B) has entered or will enter into a community benefits agreement with representatives of the community;

''(C) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or

''(D) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.

''(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available for a grant under this section and administered by or through a State department of transportation shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

''(f) COST SHARE.—The Federal share of the cost of an activity carried out using a grant awarded under this section shall be not more than 80 percent, except that the Federal share of the cost of a project in a disadvantaged or underserved community may be up to 100 percent.

''(g) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for—

''(1) guidance, technical assistance, templates, training, or tools to facilitate efficient and effective contracting, design, and project delivery by units of local government;

''(2) subgrants to units of local government to build capacity of such units of local government to assume responsibilities to deliver surface transportation projects; and

''(3) operations and administration of the Federal Highway Administration.

''(h) LIMITATIONS.—Amounts made available under this section shall not—

''(1) be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways; and

''(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''177. Neighborhood access and equity grant program.''.

SEC. 60502. ASSISTANCE FOR FEDERAL BUILDINGS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for measures necessary to convert facilities of the Administrator of General Services to high-performance green buildings (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

SEC. 60503. USE OF LOW-CARBON MATERIALS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,150,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, to acquire and install materials and products for use in the construction or alteration of buildings under the jurisdiction, custody, and control of the General Services Administration that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60504. GENERAL SERVICES ADMINISTRATION EMERGING TECHNOLOGIES.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $975,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for emerging and sustainable technologies, and related sustainability and environmental programs.

SEC. 60505. ENVIRONMENTAL REVIEW IMPLEMENTATION FUNDS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 178. Environmental review implementation funds

''(a) ESTABLISHMENT.—In addition to amounts otherwise available, for fiscal year 2022, there is appropriated to the Administrator, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects through—

''(1) the provision of guidance, technical assistance, templates, training, or tools to facilitate an efficient and effective environmental review process for surface transportation projects and any administrative expenses of the Federal Highway Administration to conduct activities described in this section; and

''(2) providing funds made available under this subsection to eligible entities—

''(A) to build capacity of such eligible entities to conduct environmental review processes;

''(B) to facilitate the environmental review process for proposed projects by—

''(i) defining the scope or study areas;

''(ii) identifying impacts, mitigation measures, and reasonable alternatives;

''(iii) preparing planning and environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations;

''(iv) conducting public engagement activities; and

''(v) carrying out permitting or other activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a proposed project; and

''(C) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraphs (A) and (B).

''(b) COST SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section by an eligible entity shall be not more than 80 percent.

''(2) SOURCE OF FUNDS.—The non-Federal share of the cost of an activity carried out under this section by an eligible entity may be satisfied using funds made available to the eligible entity under any other Federal, State, or local grant program.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E);

''(F) a recipient of funds under section 203; or

''(G) a metropolitan planning organization (as defined in section 134(b)(2)).

''(3) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' has the meaning given the term in section 139(a)(5).

''(4) PROPOSED PROJECT.—The term 'proposed project' means a surface transportation project for which an environmental review process is required.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''178. Environmental review implementation funds.''.

SEC. 60506. LOW-CARBON TRANSPORTATION MATERIALS GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 179. Low-carbon transportation materials grants

''(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, and for the operations and administration of the Federal Highway Administration to carry out this section.

''(b) REIMBURSEMENT OF INCREMENTAL COSTS; INCENTIVES.—

''(1) IN GENERAL.—The Administrator shall, subject to the availability of funds, either reimburse or provide incentives to eligible recipients that use low-embodied carbon construction materials and products on a project funded under this title.

''(2) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

''(A) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

''(B) INCENTIVE AMOUNT.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the cost of using low-embodied carbon construction materials and products on a project funded under this title.

''(3) FEDERAL SHARE.—If a reimbursement or incentive is provided under paragraph (1), the total Federal share payable for the project for which the reimbursement or incentive is provided shall be up to 100 percent.

''(4) LIMITATIONS.—

''(A) IN GENERAL.—The Administrator shall only provide a reimbursement or incentive under paragraph (1) for a project on a—

''(i) Federal-aid highway;

''(ii) tribal transportation facility;

''(iii) Federal lands transportation facility; or

''(iv) Federal lands access transportation facility.

''(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

''(C) SINGLE OCCUPANT PASSENGER VEHICLES.—Funds made available under this section shall not be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

''(5) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

''(A) appropriate for use in projects eligible under this title; and

''(B) eligible for reimbursement or incentives under this section.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E);

''(F) a recipient of funds under section 203;

''(G) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(H) a special purpose district or public authority with a transportation function.

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''179. Low-carbon transportation materials grants.''.

SEC. 60507. IDENTIFICATION OF UNDERUTILIZED GSA BUILDINGS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, to identify Federal buildings managed by the General Services Administration that have underutilized office space, for the purpose of initiating a sale of those buildings not later than 1 year after the date of enactment of this Act.

(b) CONSIDERATION.—In identifying Federal buildings that have underutilized office space under subsection (a), the Administrator of General Services may consider, when determining whether office space is underutilized, whether the Federal buildings were temporarily unoccupied, or are still underutilized as of the date of enactment of this Act, due to increased teleworking policies implemented as a result of the Coronavirus Disease 2019 (COVID–19) pandemic.

SA 5380. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60501.

SA 5381. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301(a), add the following:

(4) LIMITATIONS RELATED TO THE INTERNAL REVENUE SERVICE.—None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SA 5382. Mrs. CAPITO submitted an amendment inteded to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 60105, strike subsection (g).

SA 5383. Mrs. CAPITO (for herself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VI, add the following

Subtitle F—Regulatory Authority

SEC. 60601. CODIFICATION OF NEPA REGULATIONS.

The revisions to the Code of Federal Regulations made pursuant to the final rule of the Council on Environmental Quality titled ''Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act'' and published on July 16, 2020 (85 Fed. Reg. 43304), shall have the same force and effect of law as if enacted by an Act of Congress.

SEC. 60602. PROVIDING REGULATORY CERTAINTY UNDER THE FEDERAL WATER POLLUTION CONTROL ACT.

(a) WATERS OF THE UNITED STATES.—The definitions of the term ''waters of the United States'' and the other terms defined in section 328.3 of title 33, Code of Federal Regulations (as in effect on January 1, 2021), are enacted into law.

(b) CODIFICATION OF SECTION 401 CERTIFICATION RULE.—The final rule of the Environmental Protection Agency entitled ''Clean

Water Act Section 401 Certification Rule'' (85 Fed. Reg. 42210 (July 13, 2020)) is enacted into law.

(c) CODIFICATION OF NATIONWIDE PERMITS.—The Nationwide Permits issued, reissued, or modified, as applicable, in the following final rules of the Corps of Engineers are enacted into law:

(1) The final rule of the Corps of Engineers entitled ''Reissuance and Modification of Nationwide Permits'' (86 Fed. Reg. 2744 (January 13, 2021)).

(2) The final rule of the Corps of Engineers entitled ''Reissuance and Modification of Nationwide Permits'' (86 Fed. Reg. 73522 (December 27, 2021)).

SEC. 60603. PROHIBITION ON USE OF SOCIAL COST OF GREENHOUSE GAS ESTIMATES RAISING GASOLINE PRICES.

(a) IN GENERAL.—In promulgating regulations, issuing guidance, or taking any agency action (as defined in section 551 of title 5, United States Code) relating to the social cost of greenhouse gases, no Federal agency shall adopt or otherwise use any estimates for the social cost of greenhouse gases that may raise gasoline prices, as determined through a review by the Energy Information Administration.

(b) INCLUSION.—The estimates referred to in subsection (a) include the interim estimates in the document of the Interagency Working Group on the Social Cost of Greenhouse Gases entitled ''Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990'' and dated February 2021.

SEC. 60604. EXPEDITING PERMITTING AND REVIEW PROCESSES.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZATION.—The term ''authorization'' means any license, permit, approval, finding, determination, or other administrative decision issued by a Federal department or agency that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of an energy project, including any authorization described in section 41001(3) of the FAST Act (42 U.S.C. 4370m(3)).

(2) ENERGY PROJECT.—The term ''energy project'' means any project involving the exploration, development, production, transportation, combustion, transmission, or distribution of an energy resource or electricity for which—

(A) an authorization is required under a Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B)(i) the head of the lead agency has determined that an environmental impact statement is required; or

(ii) the head of the lead agency has determined that an environmental assessment is required, and the project sponsor requests that the project be treated as an energy project.

(3) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) ENVIRONMENTAL REVIEW AND AUTHORIZATION PROCESS.—The term ''environmental review and authorization process'' means—

(A) the process for preparing for an energy project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the completion of any authorization decision required for an energy project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) LEAD AGENCY.—The term ''lead agency'' means—

(A) the Department of Energy;

(B) the Department of the Interior;

(C) the Department of Agriculture;

(D) the Federal Energy Regulatory Commission;

(E) the Nuclear Regulatory Commission; or

(F) any other appropriate Federal agency, as applicable, that may be responsible for navigating the energy project through the environmental review and authorization process.

(6) PROJECT SPONSOR.—The term ''project sponsor'' means an agency or other entity, including any private or public-private entity, that seeks approval from a lead agency for an energy project.

(b) TIMELY AUTHORIZATIONS FOR ENERGY PROJECTS.—

(1) IN GENERAL.—

(A) DEADLINE.—Except as provided in subparagraph (C), all authorization decisions necessary for the construction of an energy project shall be completed by not later than 90 days after the date of the issuance of a record of decision for the energy project by the lead agency.

(B) DETAIL.—The final environmental impact statement for an energy project shall include an adequate level of detail to inform decisions necessary for the role of any Federal agency involved in the environmental review and authorization process for the energy project.

(C) EXTENSION OF DEADLINE.—The head of a lead agency may extend the deadline under subparagraph (A) if—

(i) Federal law prohibits the lead agency or another agency from issuing an approval or permit within the period described in that subparagraph;

(ii) the project sponsor requests that the permit or approval follow a different timeline; or

(iii) an extension would facilitate completion of the environmental review and authorization process of the energy project.

(2) ENERGY PROJECT SCHEDULE.—To the maximum extent practicable and consistent with applicable Federal law, for an energy project, the lead agency shall develop, in concurrence with the project sponsor, a schedule for the energy project that is consistent with a time period of not more than 2 years for the completion of the environmental review and authorization process for an energy project, as measured from, as applicable—

(A) the date of publication of a notice of intent to prepare an environmental impact statement to the record of decision; or

(B) the date on which the head of the lead agency determines that an environmental assessment is required to a finding of no significant impact.

(3) LENGTH OF ENVIRONMENTAL IMPACT STATEMENT.—

(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), to the maximum extent practicable, the text of the items described in paragraphs (4) through (6) of section 1502.10(a) of title 40, Code of Federal Regulations (or successor regulations), of an environmental impact statement for an energy project shall be 200 pages or fewer.

(B) EXEMPTION.—The text referred to in subparagraph (A) of an environmental impact statement for an energy project may exceed 200 pages if the lead agency establishes a new page limit for the environmental impact statement for that energy project.

(c) DEADLINE FOR FILING ENERGY-RELATED CAUSES OF ACTION.—

(1) DEFINITIONS.—In this subsection:

(A) AGENCY ACTION.—The term ''agency action'' has the meaning given the term in section 551 of title 5, United States Code.

(B) ENERGY-RELATED CAUSE OF ACTION.—The term ''energy-related cause of action'' means a cause of action that—

(i) is filed on or after the date of enactment of this Act; and

(ii) seeks judicial review of a final agency action to issue a permit, license, or other form of agency permission for an energy project.

(2) DEADLINE FOR FILING.—

(A) IN GENERAL.—Notwithstanding any other provision of Federal law, an energy-related cause of action shall be filed by—

(i) not later than 60 days after the date of publication of the applicable final agency action; or

(ii) if another Federal law provides for an earlier deadline than the deadline described in clause (i), the earlier deadline.

(B) PROHIBITION.—An energy-related cause of action that is not filed within the applicable time period described in subparagraph (A) shall be barred.

(d) APPLICATION OF CATEGORICAL EXCLUSIONS FOR ENERGY PROJECTS.—In carrying out requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for an energy project, a Federal agency may use categorical exclusions designated under that Act in the implementing regulations of any other agency, subject to the conditions that—

(1) the agency makes a determination, in consultation with the lead agency, that the categorical exclusion applies to the energy project;

(2) the energy project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) the use of the categorical exclusion does not otherwise conflict with the implementing regulations of the agency, except any list of the agency that designates categorical exclusions.

SEC. 60605. FRACTURING AUTHORITY WITHIN STATES.

(a) DEFINITION OF FEDERAL LAND.—In this section, the term ''Federal land'' means—

(1) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation; and

(4) land under the jurisdiction of the Corps of Engineers.

(b) STATE AUTHORITY.—

(1) IN GENERAL.—A State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on or under any land within the boundaries of the State.

(2) FEDERAL LAND.—The treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

SEC. 60606. FEDERAL LAND FREEDOM.

(a) DEFINITIONS.—In this section:

(1) AVAILABLE FEDERAL LAND.—The term ''available Federal land'' means any Federal land that, as of May 31, 2013—

(A) is located within the boundaries of a State;

(B) is not held by the United States in trust for the benefit of a federally recognized Indian Tribe;

(C) is not a unit of the National Park System;

(D) is not a unit of the National Wildlife Refuge System; and

(E) is not a congressionally designated wilderness area.

(2) STATE.—The term ''State'' means—

(A) a State; and

(B) the District of Columbia.

(3) STATE LEASING, PERMITTING, AND REGULATORY PROGRAM.—The term ''State leasing, permitting, and regulatory program'' means a program established pursuant to State law that regulates the exploration and development of oil, natural gas, and other forms of energy on land located in the State.

(b) STATE CONTROL OF ENERGY DEVELOPMENT AND PRODUCTION ON ALL AVAILABLE FEDERAL LAND.—

(1) STATE LEASING, PERMITTING, AND REGULATORY PROGRAMS.—Any State that has established a State leasing, permitting, and regulatory program may—

(A) submit to the Secretaries of the Interior, Agriculture, and Energy a declaration that a State leasing, permitting, and regulatory program has been established or amended; and

(B) seek to transfer responsibility for leasing, permitting, and regulating oil, natural gas, and other forms of energy development from the Federal Government to the State.

(2) STATE ACTION AUTHORIZED.—Notwithstanding any other provision of law, on submission of a declaration under paragraph (1)(A), the State submitting the declaration may lease, permit, and regulate the exploration and development of oil, natural gas, and other forms of energy on Federal land located in the State in lieu of the Federal Government.

(3) EFFECT OF STATE ACTION.—Any action by a State to lease, permit, or regulate the exploration and development of oil, natural gas, and other forms of energy pursuant to paragraph (2) shall not be subject to, or considered a Federal action, Federal permit, or Federal license under—

(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'');

(B) division A of subtitle III of title 54, United States Code;

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(D) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) NO EFFECT ON FEDERAL REVENUES.—

(1) IN GENERAL.—Any lease or permit issued by a State pursuant to subsection (b) shall include provisions for the collection of royalties or other revenues in an amount equal to the amount of royalties or revenues that would have been collected if the lease or permit had been issued by the Federal Government.

(2) DISPOSITION OF REVENUES.—Any revenues collected by a State from leasing or permitting on Federal land pursuant to subsection (b) shall be deposited in the same Federal account in which the revenues would have been deposited if the lease or permit had been issued by the Federal Government.

(3) EFFECT ON STATE PROCESSING FEES.—Nothing in this section prohibits a State from collecting and retaining a fee from an applicant to cover the administrative costs of processing an application for a lease or permit.

SEC. 60607. EXPEDITING COMPLETION OF THE MOUNTAIN VALLEY PIPELINE.

(a) DEFINITION OF MOUNTAIN VALLEY PIPELINE.—In this section, the term ''Mountain Valley Pipeline'' means the Mountain Valley Pipeline project, as generally described and approved in Federal Energy Regulatory Commission Docket Nos. CP16–10 and CP19–477.

(b) EXPEDITED APPROVAL.—Notwithstanding any other provision of law, not later than 21 days after the date of enactment of this Act and for the purpose of facilitating the completion of the Mountain Valley Pipeline—

(1) the Secretary of the Army shall issue all permits or verifications necessary—

(A) to complete the construction of the Mountain Valley Pipeline across the waters of the United States; and

(B) to allow for the operation and maintenance of the Mountain Valley Pipeline;

(2) the Federal Energy Regulatory Commission shall approve any amendments to the certificate of public convenience and necessity issued by the Federal Energy Regulatory Commission on October 13, 2017, and grant any extensions that are necessary—

(A) to complete the construction of the Mountain Valley Pipeline; and

(B) to allow for the operation and maintenance of the Mountain Valley Pipeline;

(3) the Secretary of Agriculture shall amend the Land and Resource Management Plan for the Jefferson National Forest in a manner that is substantively identical to the record of decision with respect to the Mountain Valley Pipeline issued on January 11, 2021; and

(4) the Secretary of the Interior shall—

(A) reissue the biological opinion and incidental take statement for the Mountain Valley Pipeline in a manner that is substantively identical to the biological opinion and incidental take statement previously issued on September 4, 2020; and

(B) grant all necessary rights-of-way and temporary use permits in a manner that is substantively identical to the those permits approved in the record of decision with respect to the Mountain Valley Pipeline issued on January 14, 2021.

(c) JUDICIAL REVIEW.—No action taken by the Secretary of the Army, the Federal Energy Regulatory Commission, the Secretary of Agriculture, or the Secretary of the Interior that grants an authorization, permit, verification, biological opinion, incidental take statement, or any other approval related to the Mountain Valley Pipeline, including the issuance of any authorization, permit, verification, authorization, biological opinion, incidental take statement, or other approval described in subsection (b), shall be subject to judicial review.

(d) EFFECT.—This section preempts any statute (including any other section of this Act), regulation, judicial decision, or agency guidance that is inconsistent with the issuance of any authorization, permit, verification, authorization, biological opinion, incidental take statement, or other approval described in subsection (b).

SEC. 60608. FASTER PROJECT CONSULTATION.

Section 7(b)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(1)) is amended—

(1) in subparagraph (A), by striking ''90-day'' and inserting ''60-day''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i)—

(i) by striking ''90 days'' and inserting ''60 days''; and

(ii) by striking ''90th day'' and inserting ''60th day'';

(B) in clause (i), in the matter preceding subclause (I), by striking ''150th day'' and inserting ''100th day''; and

(C) in clause (ii), by striking ''150 or more'' and inserting ''100 or more''.

SEC. 60609. NEW SOURCE REVIEW PERMITTING.

(a) CLARIFICATION OF DEFINITION OF A MODIFICATION FOR EMISSION RATE INCREASES, POLLUTION CONTROL, EFFICIENCY, SAFETY, AND RELIABILITY PROJECTS.—Paragraph (4) of section 111(a) of the Clean Air Act (42 U.S.C. 7411(a)) is amended—

(1) by inserting ''(A)'' before ''The term'';

(2) by inserting before the period at the end the following: ''. For purposes of the preceding sentence, a change increases the amount of any air pollutant emitted by such source only if the maximum hourly emission rate of an air pollutant that is achievable by such source after the change is higher than the maximum hourly emission rate of such air pollutant that was achievable by such source during any hour in the 10-year period immediately preceding the change''; and

(3) by adding at the end the following:

''(B) Notwithstanding subparagraph (A), the term 'modification' does not include a change at a stationary source that is designed—

''(i) to reduce the amount of any air pollutant emitted by the source per unit of production; or

''(ii) to restore, maintain, or improve the reliability of operations at, or the safety of, the source,

except, with respect to either clause (i) or (ii), when the change would be a modification as defined in subparagraph (A) and the Administrator determines that the increase in the maximum achievable hourly emission rate of a pollutant from such change would cause an adverse effect on human health or the environment.''.

(b) CLARIFICATION OF DEFINITION OF CONSTRUCTION FOR PREVENTION OF SIGNIFICANT DETERIORATION.—Subparagraph (C) of section 169(2) of the Clean Air Act (42 U.S.C. 7479(2)) is amended to read as follows:

''(C) The term 'construction', when used in connection with a major emitting facility, includes a modification (as defined in section 111(a)) at such facility, except that for purposes of this subparagraph a modification does not include a change at a major emitting facility that does not result in a significant emissions increase, or a significant net emissions increase, in annual actual emissions at such facility.''.

(c) CLARIFICATION OF DEFINITION OF MODIFICATIONS AND MODIFIED FOR NONATTAINMENT AREAS.—Paragraph (4) of section 171 of the Clean Air Act (42 U.S.C. 7501) is amended to read as follows:

''(4) The terms 'modifications' and 'modified' mean a modification as defined in section 111(a)(4), except that such terms do not include a change at a major emitting facility that does not result in a significant emissions increase, or a significant net emissions increase, in annual actual emissions at such facility.''.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to treat any change as a modification for purposes of any provision of the Clean Air Act (42 U.S.C. 7401 et seq.) if such change would not have been so treated as of the day before the date of enactment of this Act.

SEC. 60610. PROHIBITION ON RETROACTIVE PERMIT VETOES.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORITY OF EPA ADMINISTRATOR.—

''(1) POSSIBLE PROHIBITION OF SPECIFICATION.—Until such time as the Secretary has issued a permit under this section, the Administrator may prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and the Administrator may deny or restrict the use

of any defined area for specification (including the withdrawal of specification) as a disposal site, whenever the Administrator determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

''(2) CONSULTATION REQUIRED.—Before making a determination under paragraph (1), the Administrator shall consult with the Secretary.

''(3) WRITTEN FINDINGS REQUIRED.—The Administrator shall set forth in writing and make public the findings and reasons of the Administrator for making any determination under this subsection.''.

SA 5384. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in title IX, insert the following:

SEC. _____. FUNDING FOR TITLE 42 IMPLEMENTATION.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Director of the Centers for Disease Control and Prevention, out of amounts in the Treasury not otherwise appropriated, $1,000,000 for fiscal year 2023, for the purpose described in paragraph (2).

(2) USE OF FUNDS.—The Director of the Centers for Disease Control and Prevention shall use the amounts appropriated under paragraph (1) for the continued implementation of the orders by the Director pursuant to section 362 of the Public Health Service Act (42 U.S.C. 265) regarding the suspension of entry into the United States of persons from countries where a quarantinable communicable disease exists, until the date that is 120 days after the termination of the public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19, including renewals of such emergency.

(b) PREVENTION AND PUBLIC HEALTH FUND.—Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)) is amended—

(1) in paragraph (6), by striking ''each of fiscal years 2022 and 2023'' and inserting ''fiscal year 2022'';

(2) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(3) by inserting after paragraph (6) the following:

''(7) for fiscal year 2023, $999,000,000;''.

SA 5385. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROVIDING DISCOUNTED INSULIN TO LOW- AND MIDDLE-INCOME AMERICANS.

(a) IN GENERAL.—There is appropriated to the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), out of any monies in the Treasury not otherwise appropriated, $3,100,000,000 for fiscal year 2023, to remain available through September 30, 2026, for making payments to Federally-qualified health centers for purposes of covering direct costs incurred by such centers for making discounted insulin and epinephrine available to qualifying center patients, as described in subsection (b).

(b) INSULIN AND EPINEPHRINE AFFORDABILITY.—

(1) IN GENERAL.—If a Federally-qualified health center participates in the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) and makes insulin or injectable epinephrine available to its patients, such center shall provide insulin and injectable epinephrine at or below the discounted price paid by the center or subgrantee of the center under the drug discount program under such section 340B (plus a minimal administration fee) to qualifying center patients through fiscal year 2026.

(2) LIMITATION.—As applicable, the cost of insulin and injectable epinephrine made available to patients pursuant to this subsection shall not exceed the cost of such insulin and injectable epinephrine pursuant to the schedule of fees or payment under section 330(k)(3)(G) of the Public Health Service Act (42 U.S.C. 254b(k)(3)(G)).

(c) PAYMENTS.—The Secretary shall make prospective quarterly payments to Federally-qualified health centers in an amount that equals the sum of the following:

(1) The product of—

(A) the number of units of insulin furnished to qualifying center patients in the previous quarter; and

(B) the direct costs of procuring and making available each such unit of insulin at the discounted rate provided for under this section.

(2) The product of—

(A) the number of units of injectable epinephrine furnished to qualifying center patients in the previous quarter; and

(B) the direct costs of procuring and making available each such unit of injectable epinephrine at the discounted rate provided for under this section.

(d) USE OF PAYMENTS.—Payments made to Federally-qualified health centers under this section shall be used for the sole purpose of covering direct costs incurred by such centers in making insulin and injectable epinephrine available to qualifying center patients under subsection (b).

(e) DEFINITIONS.—In this section:

(1) FEDERALLY-QUALIFIED HEALTH CENTER.—The term ''Federally-qualified health center'' has the meaning given such term in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)).

(2) QUALIFYING CENTER PATIENT.—The term ''qualifying center patient'' means a patient of a Federally-qualified health center whose household income is equal to or less than 350 percent of the Federal poverty line and who—

(A) has a cost-sharing requirement under a health insurance plan for insulin or injectable epinephrine under which the patient out-of-pocket share is more than 20 percent of the total amount charged by the center for insulin or epinephrine;

(B) has a high unmet deductible under a health insurance plan; or

(C) has no health insurance.

(f) PREVENTION AND PUBLIC HEALTH FUND OFFSET.—Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (6), by striking ''each of fiscal years 2022 and 2023'' and inserting ''fiscal year 2022'';

(2) by striking paragraphs (7) and (8);

(3) by redesignating paragraph (9) as paragraph (8); and

(4) by inserting after paragraph (6) the following:

''(7) for fiscal year 2027, $1,800,000,000; and''.

SA 5386. Mr. COTTON (for himself, Mr. GRASSLEY, and Mr. HAGERTY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DETENTION OF SINGLE ADULT CRIMINAL ALIENS.

In addition to amounts otherwise available, there is appropriated to U.S. Immigration and Customs Enforcement for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, which shall remain available until expended, for necessary expenses of custody operations for the detention of criminal aliens, as described in section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)).

SA 5387. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title V, insert the following:

SEC. 502_____. MANDATORY OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALES.

(a) GULF OF MEXICO OIL AND GAS LEASE SALES.—

(1) REQUIREMENT.—Subject to paragraph (2), the Secretary of the Interior (acting through the Director of the Bureau of Ocean Energy Management) (referred to in this section as the ''Secretary'') shall conduct not fewer than 10 area-wide oil and gas lease sales under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) during the period beginning on July 1, 2022, and ending on June 30, 2027.

(2) SCHEDULE.—Not fewer than 2 area-wide oil and gas lease sales required under paragraph (1) shall be held each year during the period described in that paragraph in the following planning areas of the Gulf of Mexico Region of the outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016):

(A) The Central Gulf of Mexico Planning Area.

(B) The Western Gulf of Mexico Planning Area.

(b) COOK INLET OIL AND GAS LEASE SALES.—The Secretary shall conduct not fewer than 1 oil and gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) in the Cook Inlet Planning Area of the Alaska Region of the outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016), during the period beginning on July 1, 2022, and ending on June 30, 2027.

SA 5388. Mr. SCOTT of South Carolina (for himself, Mr. TOOMEY, Ms. LUMMIS, Mr. TILLIS, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30002(a)(1) and insert the following:

(1) $837,500,000, to remain available until September 30, 2028, for the cost of providing direct loans, including the costs of modifying such loans, and for grants, as provided for in subsection (b), including to subsidize gross obligations for the principal amount of direct loans, not to exceed $4,000,000,000, to fund projects for lead abatement, fire alarms, carbon monoxide detectors, and security and crime prevention, of an eligible property;

SA 5389. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table as follows:

At the end of title I, add the following:

Subtitle E—Ensuring Patient Access to Drugs and Biological Products That Treat Serious Conditions

SEC. 14001. ENSURING PATIENT ACCESS TO DRUGS AND BIOLOGICAL PRODUCTS THAT TREAT SERIOUS CONDITIONS.

Section 1192(e)(3) of the Social Security Act, as added by section 11001, is amended by adding at the end the following new subparagraphs:

''(D) SIX PROTECTED CLASSES.—A covered part D drug in a category or class that is identified under section 1860D–4(b)(3)(G)(iv).

''(E) BREAKTHROUGH THERAPIES.—A drug or biological product designated under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)) as a breakthrough therapy and approved under section 505 of such Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262).''.

SEC. 14002. REDUCTION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT AND OPERATIONS.

Section 10301(a)(1)(A)(i) of this Act is amended—

(1) in subclause (II), by striking ''$45,637,400,000'' and inserting ''$10,326,400,000''; and

(2) in subclause (III), by striking ''$25,326,400,000'' and inserting ''$326,400,000''.

SA 5390. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

SEC. 11005. CONSULTATION REQUIREMENT.

As a condition of implementing the provisions of, including the amendments made by, section 11001 and 11002, the Secretary of Health and Humans Services shall consult with other agencies including the Department of Commerce and Office of the United States Trade Repesentative, to assess—

(1) the implications of implementing price controls on pharmaceuticals for United States global competitiveness compared to countries like China; and

(2) the potential United States economic impacts and national security implications.

SA 5391. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle B of title I, add the following:

SEC. 11005. CONSULTATION REQUIREMENT.

As a condition of implementing the provisions of, including the amendments made by, section 11001 and 11002, the Government Accountability Office shall to submit a report to Congress with recommendations to ensure that the implementation of such provisions does not—

(1) negatively impact the United States pharmaceutical industry market competitiveness with China regarding biopharmaceutical innovation and domestic manufacturing capacity; or

(2) increase the United States' current importation levels of essential generic drugs and drugs on the FDA shortages list that are produced or manufactured by foreign entities in China.

SA 5392. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 5 of subtitle B of title I, add the following:

SEC. 11406. REQUIREMENTS RELATING TO PAYMENT OF PHARMACY BENEFIT MANAGERS UNDER MEDICARE PART D.

(a) PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(8) PAYMENT OF PHARMACY BENEFIT MANAGERS.—

''(A) IN GENERAL.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall provide that any pharmacy benefit manager (or affiliate, subsidiary, or agent of a pharmacy benefit manager) that manages prescription drug coverage under a contract with such sponsor, shall not receive fees from any entity or individual other than bona fide service fees.

''(B) DEFINITION OF BONA FIDE SERVICE FEES.—For purposes of this paragraph, 'bona fide service fees' represent fair market value for a bona fide, itemized service actually performed on behalf of the fee recipient, that the recipient would otherwise perform (or contract for) in the absence of the service arrangement with the pharmacy benefit manager, and that the pharmacy benefit manager does not pass on to another party. A bona fide service fee must be a flat fixed fee that is not based on, contingent upon, or otherwise related to—

''(i) drug price, such as wholesale acquisition cost or drug benchmark price (such as average wholesale price);

''(ii) discounts, rebates, fees, or other remuneration with respect to prescription drugs dispensed to enrollees; or

''(iii) any other amounts prohibited by the Secretary.''.

(b) MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

''(E) PAYMENT OF PHARMACY BENEFIT MANAGERS.—Section 1860D–12(b)(8).''.

SA 5393. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE.

It is the sense of the Senate that it is in the interest of the United States to ensure that family farms and small businesses can utilize step-up in basis for inherited assets.

SA 5394. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 110002.

SA 5395. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON IMPLEMENTATION OF SEC RULE.

Notwithstanding any other provision of law or regulation, the Securities and Exchange Commission may not implement the proposed rule of the Commission entitled ''The Enhancement and Standardization of Climate-Related Disclosures for Investors'' (87 Fed. Reg. 21334 (April 11, 2022)).

SA 5396. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 136101.

SA 5397. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title II of the bill, strike subtitle G (relating to National Service and Workforce Development in Support of Climate Resilience and Mitigation).

SA 5398. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. RESTORING HOURS OF OPERATION AND PORTS OF ENTRY ALONG THE NORTHERN BORDER.

The Commissioner of U.S. Customs and Border Protection shall modify the hours of operation of all ports of entry along the northern border to match the hours of operation at such ports of entry as of February 2020.

SA 5399. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. ENHANCING BORDER SECURITY ALONG THE NORTHERN BORDER.

The Commissioner of U.S. Customs and Border Protection shall allocate additional resources to enhance border security along

the international border between Canada and the United States.

SA 5400. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50262.

SA 5401. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60113 and all that follows through the end of section 60201.

SA 5402. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50261.

SA 5403. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50265 and insert the following:

SEC. 50265. ENSURING ENERGY SECURITY.

(a) ANNUAL LEASE SALES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.), beginning in fiscal year 2022, the Secretary shall conduct a minimum of 4 oil and natural gas lease sales annually in each of the following States:

(A) Wyoming.
(B) New Mexico.
(C) Colorado.
(D) Utah.
(E) Montana.
(F) North Dakota.
(G) Oklahoma.
(H) Nevada.
(I) Any other State in which there is land available for oil and natural gas leasing under that Act.

(2) REQUIREMENT.—In conducting a lease sale under paragraph (1) in a State described in that paragraph, the Secretary shall include a minimum of 25 percent of the outstanding nominated acreage in the applicable State under part 3120 of title 43, Code of Federal Regulations (or successor regulations).

(3) REPLACEMENT SALES.—If, for any reason, a lease sale under paragraph (2) for a calendar year is canceled, delayed, or deferred, including for a lack of eligible parcels, the Secretary shall conduct a replacement sale during the same calendar year.

(b) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term ''Federal land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(B) OFFSHORE LEASE SALE.—The term ''offshore lease sale'' means an oil and gas lease sale—

(i) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(ii) that, if any acceptable bids have been received for any tract offered in the lease sale, results in the issuance of a lease.

(C) ONSHORE LEASE SALE.—The term ''onshore lease sale'' means a quarterly oil and gas lease sale—

(i) that is held by the Secretary in accordance with section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(ii) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(2) LIMITATION.—During the 10-year period beginning on the date of enactment of this Act—

(A) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(i) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(ii) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of—

(I) 2,000,000 acres; and

(II) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period; and

(B) the Secretary may not issue a lease for offshore wind development under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(i) an offshore lease sale has been held during the 1-year period ending on the date of the issuance of the lease for offshore wind development; and

(ii) the sum total of acres offered for lease in offshore lease sales during the 1-year period ending on the date of the issuance of the lease for offshore wind development is not less than 60,000,000 acres.

(3) SAVINGS.—Except as expressly provided in subparagraphs (A) and (B) of paragraph (2), nothing in this paragraph supersedes, amends, or modifies existing law.

SA 5404. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301, add the following:

(c) LIMITATIONS RELATED TO THE INTERNAL REVENUE SERVICE.—None of the funds appropriated under subsection (a)(1) may be used to audit taxpayers with taxable incomes below $400,000.

SA 5405. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I.

SA 5406. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 13301 and insert the following:

SEC. _____. REPEAL OF MODIFICATION OF EXCEPTIONS FOR REPORTING OF THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Section 6050W(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall be required to report any information under subsection (a) with respect to third party network transactions of any participating payee only if—

''(1) the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions exceeds $20,000, and

''(2) the aggregate number of such transactions exceeds 200.''.

(b) CONFORMING AMENDMENT.—Section 6050W(c)(3) of the Internal Revenue Code of 1986 is amended by striking ''described in subsection (d)(3)(A)(iii)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to returns for calendar years beginning after December 31, 2021.

(2) CLARIFICATION.—The amendment made by subsection (b) shall apply to transactions after the date of the enactment of the American Rescue Plan Act of 2021.

SA 5407. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED FELONY CRIMINAL OFFENSES IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $440,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony criminal offenses in the United States.

SA 5408. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 1 and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Joe Manchin's Build Back Even Better Act''.

SA 5409. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026__. MANDATORY ADDITIONAL ONSHORE OIL AND GAS LEASE SALES IN CERTAIN STATES.

(a) REQUIREMENT.—Subject to subsections (b) and (c), not later than December 31, 2022,

the Secretary of the Interior (acting through the Director of the Bureau of Land Management) shall conduct an oil and gas lease sale under the Mineral Leasing Act (30 U.S.C. 181 et seq.) in each of the States in which the Bureau of Land Management conducted lease sales in June 2022.

(b) PARCELS.—The oil and gas lease sales required under subsection (a) shall include, at a minimum, all parcels—

(1) that were evaluated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) process for the June 2022 sales; but

(2) that were deferred by the applicable Bureau of Land Management State Director.

(c) ADDITIONAL LEASE SALES.—The oil and gas lease sales required under subsection (a) shall be conducted in addition to the quarterly oil and gas lease sales required under section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)).

SA 5410. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 6 of subtitle A of title 5 and insert the following:

PART 6—NATIONAL PARK SYSTEM DEFERRED MAINTENANCE

SEC. 50161. ADDRESSING DEFERRED MAINTENANCE IN THE NATIONAL PARK SYSTEM.

(a) DEFINITIONS.—In this section:

(1) ASSET.—The term ''asset'' means any real property, including any physical structure or grouping of structures, landscape, trail, or other tangible property, that—

(A) has a specific service of function; and

(B) is tracked and managed as a distinct, identifiable entity by the National Park Service.

(2) PROJECT.—The term ''project'' means any activity to reduce or eliminate deferred maintenance of an asset, which may include resolving directly related infrastructure deficiencies of the asset that would not by itself be classified as deferred maintenance.

(b) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 to remain available through September 30, 2024, to carry out this section.

(c) USE OF FUNDS.—The Secretary of the Interior shall use funds made available under subsection (b) for priority deferred maintenance projects in the National Park System.

(d) LIMITATIONS.—

(1) NON-TRANSPORTATION PROJECTS.—Not less than 65 percent of funds made available under subsection (a) shall be used for non-transportation projects.

(2) TRANSPORTATION PROJECTS.—The amounts made available under subsection (b) that are remaining after the allocations required under paragraph (1) may be allocated for transportation projects of the National Park Service, including paved and unpaved roads, bridges, tunnels, and paved parking areas.

(3) PLAN.—Any priority deferred maintenance project funded under this section shall be consistent with an applicable transportation, deferred maintenance, or capital improvement plan developed by the National Park Service.

(e) PROHIBITED USE OF FUNDS.—No amounts made available under subsection (b) shall be used—

(1) for land acquisition;

(2) to supplant discretionary funding made available for annually recurring facility operations, maintenance, and construction needs; or

(3) for bonuses for employees of the Federal Government that are carrying out this section.

SA 5411. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle A of title I, add the following:

SEC. 1010__. ALLOWANCE OF CERTAIN DEDUCTIONS IN DETERMINING APPLICABLE FINANCIAL STATEMENT INCOME.

(a) IN GENERAL.—Section 56A(c), as added by section 10101, is amended by redesignating paragraph (15) as paragraph (16) and by inserting after paragraph (14) the following new paragraph:

''(15) ADJUSTMENT FOR THE PRODUCTION OF OIL, COAL, AND NATURAL GAS AND FOR MINING.—

''(A) IN GENERAL.—Adjusted financial statement income shall be—

''(i) appropriately adjusted to disregard any amount of qualified expense that is taken into account on the taxpayer's applicable financial statement, and

''(ii) reduced by the amount of qualified expenses which are deductible under this chapter to the extent allowed as a deduction in computing taxable income for the taxable year.

''(B) QUALIFIED EXPENSES.—For purposes of this paragraph, the term 'qualified expenses' means—

''(i) any intangible drilling and development costs (within the meaning of section 263(c)),

''(ii) geological and geophysical expenditures (within the meaning of section 167(h)),

''(iii) qualified tertiary injectant expenses (as defined in section 193(b)),

''(iv) expenses to which sections 616 and 617 apply, and

''(v) amounts allowable as a depletion deduction under section 611.''.

SEC. 1010__. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Paragraph (6) of section 164(b) is amended by striking '', and before January 1, 2026''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5412. Mr. BARRASSO (for himself, Ms. COLLINS, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Ensuring Access to Drugs and Biological Products That Treat Rare Diseases and Conditions

SEC. 14001. ENSURING ACCESS TO DRUGS AND BIOLOGICAL PRODUCTS THAT TREAT RARE DISEASES AND CONDITIONS.

Sec. 1192(e)(3)(A) of the Social Security Act, as added by section 11001, is amended to read as follows:

''(A) CERTAIN ORPHAN DRUGS.—A drug that is designated under section 526 of the Federal Food, Drug, and Cosmetic Act for a rare disease or condition and is approved only for an indication or indications for a rare disease or condition.''.

SEC. 14002. REDUCTION OF ADDITIONAL IRS FUNDING FOR OPERATIONS SUPPORT.

Section 10301(a)(1)(A)(i)(III) of this Act is amended by striking ''$25,326,400,000'' and inserting ''$10,326,400,000''.

SA 5413. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

SEC. 11005. ENSURING THAT QUALITY-ADJUSTED LIFE YEAR (QALY) MEASURES ARE NOT USED IN CONSIDERATION OF THE MAXIMUM FAIR PRICE UNDER THE DRUG PRICE NEGOTIATION PROGRAM.

Section 1194(e)(2) of the Social Security Act, as added by section 11001, is amended by inserting at the end of the flush matter following subparagraph (D) the following new sentence: ''Additionally, the Secretary shall not use evidence or findings relating to a drug's ability or inability to extend a patient's life in considering information described in subparagraph (C).''.

SA 5414. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Notwithstanding section 504(a), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term ''prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $1,000,000.

(2) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

SEC. ___. THE PREVENTION AND PUBLIC HEALTH FUND.

Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (6), by striking ''each of fiscal years 2022 and 2023'' and inserting ''fiscal year 2022''; and

(2) by striking paragraphs (7) through (9).

SEC. ___. COMMUNITY HEALTH CENTER PROGRAM.

Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by inserting '', and an additional $442,000,000 for fiscal year 2022'' after ''2023''.

SA 5415. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT EXTENSION OF SAFE HARBOR FOR ABSENCE OF DEDUCTIBLE FOR TELEHEALTH.

(a) IN GENERAL.—Section 223(c)(2)(E) of the Internal Revenue Code of 1986 is amended by striking ''In the case of plan years beginning on or before December 31, 2021, or in the case of months beginning after March 31, 2022, and before January 1, 2023, a plan'' and inserting ''A plan''.

(b) CERTAIN COVERAGE DISREGARDED.—Section 223(c)(1)(B)(ii) of the Internal Revenue Code of 1986 is amended by striking ''(in the case of plan years beginning on or before December 31, 2021, or in the case of months beginning after March 31, 2022, and before January 1, 2023)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2022.

SEC. ___. TELEHEALTH SERVICES AS INDEPENDENT, NONCOORDINATED BENEFITS.

(a) PHSA.—Section 2791(c)(3) of the Public Health Service Act (42 U.S.C. 300gg–91(c)(3)) is amended by adding at the end the following:

''(C) Coverage only for telehealth services.''.

(b) ERISA.—Section 733(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(c)(3)) is amended by adding at the end the following:

''(C) Coverage only for telehealth services.''.

(c) IRC.—Section 9832(c)(3) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(C) Coverage only for telehealth services.''.

SA 5416. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FEDERAL STUDENT LOAN INTEGRITY.

(a) PROHIBITION.—The Secretary of Education may not use the authority under section 2(a)(1) of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098bb(a)(1)) to issue a waiver or modification, or to extend a waiver or modification issued before the date of enactment of this Act, of any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) in connection with the national emergency declared by the President on March 13, 2020, pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.) (Proclamation 9994).

(b) LIMITATION ON WAIVERS AND MODIFICATIONS.—Section 2(a)(1) of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098bb(a)(1)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) AUTHORITY OF SECRETARY.—Except as provided in subparagraph (B), notwithstanding''; and

(2) by adding at the end the following:

''(B) LIMITATION.—A waiver or modification under paragraph (1) may not—

''(i) provide for a period that exceeds 60 days during which—

''(I) payments of principal or interest due on loans made, insured, or guaranteed under part B, D, or E of title IV of the Act are suspended; or

''(II) interest does not accrue on such loans; or

''(ii) result in the discharge or cancellation of a loan made, insured, or guaranteed under part B, D, or E of title IV of the Act.''.

(c) NO LOAN FORGIVENESS AUTHORITY.—

(1) REMOVAL OF LOAN FORGIVENESS AUTHORITY.—Section 432(a)(6) of the Higher Education Act of 1965 (20 U.S.C. 1082(a)(6)) is amended by striking '', pay, compromise, waive, or release''.

(2) NO AUTHORITY FOR ANY LOAN FORGIVENESS PLAN.—The amendment made by paragraph (1) shall prohibit the President or the Secretary of Education from—

(A) cancelling $10,000 in student loan debt under part B or D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.) for borrowers with an annual income of not more than $125,000; or

(B) carrying out any other loan forgiveness program not explicitly authorized under such title.

SA 5417. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I, insert the following:

SEC. 1390__. INCOME LIMITATION FOR INCREASED PREMIUM TAX CREDIT.

(a) IN GENERAL.—Section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(iv) LIMITATION FOR 2023 THROUGH 2025.—In the case of a taxable year beginning in 2023, 2024, or 2025, the table contained in clause (iii)(II) shall be applied by substituting 'up to 700 percent' for 'and higher'.''.

(b) CONFORMING AMENDMENT.—Subparagraph (E) of section 36B(c)(1) of the Internal Revenue Code of 1986, as amended by this Act, is further amended by striking ''In the case of a taxable year'' and all that follows and inserting ''In the case of—

''(i) a taxable year beginning in 2021 or 2022, subparagraph (A) shall be applied without regard to 'but does not exceed 400 percent', and

''(ii) a taxable year beginning in 2023, 2024, or 2025, subparagraph (A) shall be applied by substituting '700 percent' for '400 percent'.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 1390__. TREATMENT OF DIETARY SUPPLEMENTS AS MEDICAL EXPENSES.

(a) IN GENERAL.—Subsection (d) of section 213 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) DIETARY SUPPLEMENTS.—In the case of taxable years beginning before January 1, 2024, amounts paid for dietary supplements shall be treated as paid for medical care. For purposes of this paragraph, the term 'dietary supplement' has the meaning given such term by section 201(ff) of the Federal Food, Drug, and Cosmetic Act.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5418. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026_____. MANDATORY LEASING FOR CERTAIN QUALIFIED APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) COAL LEASE.—The term ''coal lease'' means a lease entered into by the United States as lessor, through the Bureau of Land Management, and the applicant on Bureau of Land Management Form 3400-012.

(2) QUALIFIED APPLICATION.—The term ''qualified application'' means any application pending under the lease by application program administered by the Bureau of Land Management pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subpart 3425 of title 43, Code of Federal Regulations (as in effect on October 1, 2021), for which the environmental review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has commenced.

(b) MANDATORY LEASING AND OTHER REQUIRED APPROVALS.—As soon as practicable after the date of enactment of this Act, the Secretary shall promptly—

(1) with respect to each qualified application—

(A) if not previously published for public comment, publish a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations;

(B) finalize the fair market value of the coal tract for which a lease by application is pending;

(C) take all intermediate actions necessary to grant the qualified application; and

(D) grant the qualified application; and

(2) with respect to previously awarded coal leases, grant any additional approvals of the Department of the Interior or any bureau, agency, or division of the Department of the

Interior required for mining activities to commence.

SA 5419. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60201.

SA 5420. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I, insert the following:

SEC. 13904. EMPLOYMENT VERIFICATION REQUIREMENT.

(a) WAGE REQUIREMENT.—In the case of any requirement described in any applicable wage requirement provision, a taxpayer shall not be deemed to have satisfied such requirement unless such taxpayer ensures that—

(1) with respect any laborers and mechanics described in such applicable wage requirement provision, such laborers and mechanics have had their employment eligibility confirmed through the E-Verify program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note); and

(2) such taxpayer has required, as a condition of each contract or subcontract, that any contractor or subcontractor described in such applicable wage requirement provision agrees to confirm the employment eligibility of any laborers or mechanics employed by such contractor or subcontractor, as described in paragraph (1).

(b) APPRENTICESHIP REQUIREMENT.—In the case of any requirement described in any applicable apprenticeship provision, a taxpayer shall not be deemed to have satisfied such requirement unless such taxpayer ensures that—

(1) with respect to any qualified apprentice described in such applicable apprenticeship provision, such apprentice has had their employment eligibility confirmed in the manner described in paragraph (1) of subsection (a), and

(2) such taxpayer has required, as a condition of each contract or subcontract, that any contractor or subcontractor described in such applicable apprenticeship provision agrees to confirm the employment eligibility of any qualified apprentice employed by such contractor or subcontractor, as described in such paragraph.

(c) APPLICATION.—Subsection (a) shall apply to—

(1) all covered, existing, and new hire workers employed by any contractor or subcontractor which is described in any applicable wage requirement provision, and

(2) all qualified apprentices employed by any contractor or subcontractor which is described in any applicable apprenticeship provision.

(d) PENALTY.—In the case of any taxpayer which fails to satisfy the requirement under subsection (a) with respect to any laborer or mechanic or the requirement under subsection (b) with respect to any qualified apprentice, such taxpayer shall make payment to the Secretary of a penalty in an amount equal to the product of—

(1) $5,000, multiplied by

(2) the total number of laborers, mechanics, and qualified apprentices for whom the taxpayer failed to satisfy the requirement under subsection (a) or (b), as applicable.

(e) ANTI-DISCRIMINATION.—Any employer who complies with the requirements described in this section shall not be found to have violated—

(1) section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b); or

(2) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(f) ADJUSTMENT OF CERTAIN CREDITS.—

(1) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—

(A) IN GENERAL.—Section 45 of the Internal Revenue Code of 1986, as amended by section 13101, is amended—

(i) in subsection (a)(1), by striking ''0.3 cents'' and inserting ''0.29 cents'', and

(ii) in subsection (b)(2)—

(I) by striking ''0.3 cents'' and inserting ''0.29 cents'', and

(II) by striking ''0.05 cent'' each place it appears and inserting ''0.01 cent''.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to facilities placed in service after December 31, 2021.

(2) ENERGY CREDIT.—

(A) IN GENERAL.—Section 48 of the Internal Revenue Code of 1986, as amended by section 13102, is amended—

(i) in paragraph (2)(A)—

(I) in clause (i), by striking ''6 percent'' and inserting ''5.9 percent'', and

(II) in clause (ii), by striking ''2 percent'' and inserting ''1.9 percent'', and

(ii) in paragraph (5)(A)(ii), by striking ''6 percent'' and inserting ''5.9 percent''.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to property placed in service after December 31, 2021.

(g) DEFINITIONS.—In this section—

(1) APPLICABLE APPRENTICESHIP PROVISION.—The term ''applicable apprenticeship provision'' means any of the following sections of the Internal Revenue Code of 1986:

(A) Section 30C(g)(3).
(B) Section 45(b)(8).
(C) Section 45Q(h)(4).
(D) Section 45V(e)(4).
(E) Section 45Y(g)(10).
(F) Section 45Z(f)(7).
(G) Section 48(a)(11).
(H) Section 48C(e)(6).
(I) Section 48D(d)(4).
(J) Section 179D(b)(5).

(2) APPLICABLE WAGE REQUIREMENT PROVISION.—The term ''applicable wage requirement provision'' means any of the following sections of the Internal Revenue Code of 1986:

(A) Section 30C(g)(2)(A).
(B) Section 45(b)(7)(A).
(C) Section 45L(g)(2)(A).
(D) Section 45Q(h)(3)(A).
(E) Section 45U(d)(2)(A).
(F) Section 45V(e)(3)(A).
(G) Section 45Y(g)(9).
(H) Section 45Z(f)(6)(A).
(I) Section 48(a)(10)(A).
(J) Section 48C(e)(5)(A).
(K) Section 48D(d)(3).
(L) Section 179D(b)(4)(A).

(3) QUALIFIED APPRENTICE.—The term ''qualified apprentice'' has the same meaning given such term in section 45(b)(8)(E)(ii) of the Internal Revenue Code of 1986.

SA 5421. Mr. GRASSLEY (for himself and Mr. YOUNG) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

At the end of title I, insert the following:

Subtitle __—MIDDLE-CLASS INFLATION RELIEF

SEC. 10__01. MODIFICATION OF CAPITAL GAIN RATES.

(a) EXPANSION OF ZERO PERCENT RATE.—

(1) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2023.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2022 and before 2024, paragraph (1)(B)(i) shall be applied by substituting 'below the maximum zero rate amount' for 'which would (without regard to this paragraph) be taxed at a rate below 25 percent'.

''(B) MAXIMUM ZERO RATE AMOUNT.—The maximum zero rate amount shall be—

''(i) in the case of a joint return or surviving spouse, $165,000,

''(ii) in the case of any other individual (other than an estate or trust), an amount equal to ½ of the amount in effect for the taxable year under clause (i), and

''(iii) in the case of an estate or trust, $2,600.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2022, each of the dollar amounts in subparagraph (B) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under subsection (f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any increase under this subparagraph is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.''.

(2) CONFORMING AMENDMENT.—Paragraph (5) of section 1(j) of such Code is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR CERTAIN TAXABLE YEARS.—In the case of any taxable year beginning after 2022 and before 2024, subparagraph (A) shall be applied without regard to clause (i) thereof.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__02. PARTIAL EXCLUSION OF CERTAIN INTEREST RECEIVED BY INDIVIDUALS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to amounts specifically excluded from gross income) is amended by inserting after section 115 the following new section:

''SEC. 116. PARTIAL EXCLUSION OF CERTAIN INTEREST RECEIVED BY INDIVIDUALS.

''(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include the sum of the amounts received during the taxable year by an individual as qualified interest.

''(b) LIMITATIONS.—The aggregate amount excluded under subsection (a) for any taxable year shall not exceed $300 ($600 in the case of a joint return).

''(c) QUALIFIED INTEREST.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified interest' means any interest other than interest excluded from gross income under any other provision of this chapter.

''(2) SPECIAL RULES FOR DIVIDENDS RECEIVED FROM CERTAIN MONEY MARKET MUTUAL FUNDS.—

''(A) IN GENERAL.—The term 'qualified interest' shall include qualified interest-related dividends.

''(i) IN GENERAL.—Except as provided in clause (ii), a qualified interest-related dividend is any dividend or part thereof (other than a capital gain dividend or exempt interest dividend)—

''(I) paid by a regulated investment company regulated as a money market fund under section 270.2a–7 of title 17, Code of Federal Regulations, and

''(II) reported by the company as a qualified interest-related dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the applicable qualified interest of the company for such taxable year, a qualified interest-related dividend is the excess of—

''(I) the reported qualified interest-related dividend amount, over

''(II) the excess reported amount which is allocable to such reported qualified interest-related dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported qualified interest-related dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported qualified interest-related dividend amount bears to the aggregate reported amount.

''(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED QUALIFIED INTEREST-RELATED DIVIDEND AMOUNT.—The term 'reported qualified interest-related dividend amount' means the amount reported to its shareholders under clause (i) as a qualified interest-related dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the applicable qualified interest of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as qualified interest-related dividends for the taxable year (including qualified interest-related dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(V) APPLICABLE QUALIFIED INTEREST.—The term 'applicable qualified interest' means interest described in paragraph (1).

''(d) NONRESIDENT ALIENS INELIGIBLE FOR EXCLUSION.—Subsection (a) shall not apply to any nonresident alien individual.

''(e) REGULATIONS.—The Secretary may prescribe such regulations as are appropriate (including regulations requiring reporting) to apply this section in the case of interest received—

''(1) from partnerships and S corporations, and

''(2) from a trade or business of the taxpayer.

''(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2024.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 265(a) of such Code is amended by inserting before the period at the end the following: '', or to purchase or carry obligations or shares, or to make deposits, to the extent the interest thereon is excludable from gross income under section 116''.

(2) Subsection (c) of section 584 of such Code is amended by adding at the end the following: ''The proportionate share of each participant in the amount of qualified interest (as defined in section 116) received by the common trust fund shall be considered for purposes of such section as having been received by such participant.''.

(3) Subsection (a) of section 643 of such Code is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) QUALIFIED INTEREST.—There shall be included the amount of any qualified interest (as defined in section 116) excluded from gross income pursuant to section 116 (reduced by amounts which would be deductible in respect of disbursements allocable to such income but for the provisions of section 265).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__03. INFLATION ADJUSTMENT FOR CERTAIN TAX BENEFITS.

(a) CHILD TAX CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 24 of such Code is amended by adding at the end the following new paragraph:

''(8) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2021 and before 2023, the $2,000 amount in paragraph (2) and each of the dollar amounts in paragraph (3) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any increase under subparagraph (A)—

''(i) is not a multiple of $100, in the case of the amount in paragraph (2), such increase shall be rounded to the next lowest multiple of $100, or

''(ii) is not a multiple of $1,000, in the case of the amounts in paragraph (3), such increase shall be rounded to the next lowest multiple of $1,000.''.

(2) PARTIAL CREDIT FOR CERTAIN OTHER DEPENDENTS.—Paragraph (4) of section 24(h) of such Code is amended by adding at the end the following new subparagraph:

''(D) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2021 and before 2023, the $500 amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this paragraph is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.''.

(b) CREDIT FOR HOUSEHOLD AND DEPENDENT CARE SERVICES.—Subsection (e) of section 21 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(11) ADJUSTMENTS FOR INFLATION.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2021 and before 2023, the $15,000 amount in subsection (a)(2) and the $3,000 and $6,000 amounts in subsection (c) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any increase under subparagraph (A)—

''(i) is not a multiple of $100, in the case of the amounts in subsection (c), such increase shall be rounded to the next lowest multiple of $100, or

''(ii) is not a multiple of $1,000, in the case of the amount in subsection (a)(2), such increase shall be rounded to the next lowest multiple of $1,000.''.

(c) AMERICAN OPPORTUNITY AND LIFETIME LEARNING CREDITS.—

(1) AMERICAN OPPORTUNITY TAX CREDIT.—Subsection (b) of section 25A of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2021 and before 2023, the $2,000 and $4,000 amounts in paragraph (1) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this paragraph is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100.''.

(2) LIFETIME LEARNING CREDIT.—Subsection (c) of section 25A of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2021 and before 2023, the $10,000 amount in paragraph (1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this paragraph is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100.''.

(3) LIMITATIONS BASED ON MODIFIED ADJUSTED GROSS INCOME.—Subsection (d) of section 25A of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2021 and before 2023, each of the dollar amounts in paragraph (1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this paragraph is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.''.

(d) DEDUCTION FOR INTEREST ON EDUCATION LOANS.—

(1) IN GENERAL.—Subsection (f) of section 221 of the Internal Revenue Code of 1986 is amended to read as follows:

''(f) ADJUSTMENTS FOR INFLATION.—

''(1) LIMITATION.—In the case of a taxable year beginning after 2021 and before 2023, the $2,500 amount in subsection (b)(1) and the $15,000 and $30,000 amounts in subsection (b)(2)(B)(ii) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar

year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof, and

''(2) INCOME THRESHOLDS.—In the case of a taxable year beginning after 2002, the $50,000 and $100,000 amounts in subsection (b)(2)(B)(i)(II) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2001' for '2016' in subparagraph (A)(ii) thereof.

''(3) ROUNDING.—If any increase under this subsection—

''(A) is not a multiple of $100, in the case of the amount in subsection (b)(1), such increase shall be rounded to the next lowest multiple of $100, or

''(B) is not a multiple of $1,000, in the case of the amounts in subsection (b)(2)(B)(ii) and (b)(2)(B)(i)(II), such increase shall be rounded to the next lowest multiple of $1,000.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 10__04. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' and inserting ''January 1, 2027'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2026''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__05. REDUCTION IN ADDITIONAL INTERNAL REVENUE SERVICE ENFORCEMENT FUNDING.

Section 10301(a)(1)(A)(i)(II) of this Act is amended by striking ''$45,637,400,000'' and inserting ''$25,637,400,000''.

SA 5422. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 1389, strikes lines 15 through 21 and insert the following:

''(B) in the case of an electricity generating facility, not less than 18,750 metric tons of qualified carbon oxide during the taxable year, and

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SA 5423. Mrs. BLACKBURN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 11002 and insert the following:

SEC. 11002. SPECIAL RULE TO DELAY SELECTION AND NEGOTIATION OF BIOLOGICS FOR BIOSIMILAR MARKET ENTRY.

(a) TREATMENT OF BIOLOGICAL PRODUCTS HIGHLY LIKELY TO BE SUBJECT TO BIOSIMILAR COMPETITION UNDER DRUG PRICE NEGOTIATION PROGRAM.—

(1) IN GENERAL.—Section 1191(c) of the Social Security Act, as added by section 11001, is amended by adding the following new paragraph:

''(7) BIOLOGICAL PRODUCT HIGHLY LIKELY TO BE SUBJECT TO BIOSIMILAR COMPETITION.—

''(A) IN GENERAL.—The term 'biological product highly likely to be subject to biological competition' means a selected drug that is a biological reference product licensed under section 351(a) of the Public Health Service Act, for which the Secretary has determined that there is a high likelihood that a biosimilar biological product will be licensed under section 351(k) of the Public Health Service Act and marketed by the end of the second year after the selected drug publication date of the selected drug.

''(B) DETERMINATION.—For purposes of subparagraph (A), the Secretary shall determine that a selected drug is a 'biological product highly likely to be subject to biological competition' if, with respect to a biosimilar biological product for which the selected drug is the reference product—

''(i)(I) a biosimilar biological product application under section 351(k) of the Public Health Service Act has been licensed by the Food and Drug Administration;

''(II) no more than 2 years have elapsed since such licensure;

''(III) marketing of such biosimilar biological product has not commenced; and

''(IV)(aa) there has been no public announcement of a patent litigation settlement or other agreement under which the biosimilar application sponsor has agreed not to market the biosimilar biological product; or

''(bb) there has been a publicly announced patent litigation settlement or other agreement that permits the biosimilar application sponsor to market the biosimilar biological product before February 1 of the year that is two years after the selected drug publication date of the selected drug; or

''(ii)(I) a biosimilar biological product application under section 351(k) of the Public Health Service Act has been accepted for filing under such section by the Food and Drug Administration;

''(II) the Food and Drug Administration has not issued a complete response letter with respect to such application;

''(III) the biosimilar application sponsor has not withdrawn such application; and

''(IV)(aa) there has been no public announcement of a patent litigation settlement or other agreement under which the biosimilar application sponsor has agreed not to market the biosimilar biological product; or

''(bb) there has been a publicly announced patent litigation settlement or other agreement that permits the biosimilar application sponsor to market the biosimilar biological product before February 1 of the year that is two years after the selected drug publication date of the selected drug.

''(C) TIMING.—The Secretary shall make and announce a determination under subparagraph (A) within 1 week of the selected drug publication date of the selected drug.

''(D) RECONSIDERATION.—

''(i) IN GENERAL.—The manufacturer of the selected drug or the manufacturer of a biosimilar biological product for which the selected drug is the reference product may submit to the Secretary a petition for reconsideration of a determination under subparagraph (A) within 1 week of such determination.

''(ii) RESPONSE BY SECRETARY.—The Secretary shall respond in writing to a petition for reconsideration submitted under clause (i) and, as appropriate, make and announce a different determination under subparagraph (A) within 1 week of the end of the period during which such a petition may be submitted under such clause.

''(E) TREATMENT.—For purposes of sections 1194 and 1195, a selected drug that is a biological product highly likely to be subject to biological competition shall be treated as if the initial price applicability year with respect to such drug were the initial price applicability year that is 2 years after the initial price applicability year with respect to such drug.

''(F) CLARIFICATION.—A selected drug that is a biological product highly likely to be subject to biological competition shall continue to be considered a selected drug under this part with respect to the number of negotiation-eligible drugs published on the list under section 1192(a) with respect to the initial price applicability year with respect to such drug.

''(G) DEFINITIONS.—In this paragraph:

''(i) BIOSIMILAR; BIOLOGICAL PRODUCT.—The terms 'biosimilar' and 'biological product' have the meaning given those terms in section 351(i) of the Public Health Service Act.

''(ii) BIOSIMILAR APPLICATION SPONSOR.—The term 'bosimilar application sponsor' means the person who submits an application for licensure under section 351(k) of the Public Health Service Act.

''(iii) PATENT LITIGATION SETTLEMENT.—The term 'patent litigation settlement' means an agreement reached between a patent owner and a biosimilar applicant to resolve a patent litigation dispute in whole or in part, reached either before or after court action begins.

''(H) REGULATIONS.—The Secretary shall promulgate regulations implementing this paragraph through notice and comment rulemaking, with a final rule published not later than the date that is 90 days before the selected drug publication date with respect to initial price applicability year 2026.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1191 of the Social Security Act, as added by section 11001, is amended—

(i) in subsection (b)—

(I) in paragraph (2), by inserting ''(or, in the case of a biological product highly likely to be subject to biosimilar competition (as defined in subsection (c)(7)), the year that is 2 years after the first initial price applicability year)'' after ''the first initial price applicability year'';

(II) in paragraph (3), by inserting ''(or, in the case of a biological product highly likely to be subject to biosimilar competition, the date that is 2 years after the first initial price applicability year)'' before the period; and

(III) in paragraph (4)(A)—

(aa) in the matter preceding clause (i), by inserting '', subject to subsection (c)(7)(E)'' after ''an initial price applicability year with respect to a selected drug''; and

(bb) in clause (ii), by inserting ''(or, in the case of a biological product highly likely to be subject to biosimilar competition (as defined in subsection (c)(7)), February 28 of the year that is 2 years after the year of the selected drug publication date)'' after ''the selected drug publication date''; and

(ii) in subsection (d)—

(I) in paragraph (2), by inserting ''and by substituting '3 years' for '2 years''' after ''such selected drug'';

(II) in paragraph (4), by inserting ''and by substituting '3 years' for '2 years''' after ''such selected drug''.

(B) The flush matter at the end of section 1192 of the Social Security Act, as added by section 11001, is amended by inserting '', section 1191(c)(7)(E),'' after ''subsection (c)(2)''.

(C) Section 1193(a) of the Social Security Act, as added by section 11001, is amended—

(i) in the matter preceding paragraph (1), by inserting ''(or, in the case of a biological product highly likely to be subject to biosimilar competition (as defined in section 1191(c)(7)), February 28 of the year that is 2 years after the year of the selected drug publication date)'' after ''the selected drug publication date''; and

(ii) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''and

subject to section 1191(c)(7)(E)'' after ''in accordance with section 1194''.

(D) Section 1194 of the Social Security Act, as added by section 11001, is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by inserting '', and subject to section 1191(c)(7)(E),'' after ''For purposes of this part'';

(ii) in subsection (b)(2)—

(I) in subparagraph (A), by striking ''with respect to the selected drug'' and inserting ''with respect to such initial price applicability year''; and

(II) in subparagraph (B), by inserting ''with respect to such initial price applicability year,'' after ''the selected drug publication date,''.

(E) Section 1195 of the Social Security Act, as added by section 11001, is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''With respect to an initial price applicability year'' and inserting ''Subject to section 1191(c)(7)(E), with respect to an initial price applicability year''; and

(ii) in subsection (b)(2), by inserting ''(or, in the case of a biological product highly likely to be subject to biosimilar competition (as defined in section 1191(c)(7)), the date that is two years after the date of publication under this section)'' after ''the date of publication under this section''.

(F) Section 5000D(b) of the Internal Revenue Code of 1986, as added by section 11003(a), is amended—

(i) in paragraph (1), by inserting ''(except in the case of a biological product highly likely to be subject to biosimilar competition (as defined in section 1191(c)(7) of the Social Security Act))'' after ''initial price applicability year 2026''; and

(ii) in paragraph (2), by inserting ''(except in the case of a biological product highly likely to be subject to biosimilar competition (as defined in section 1191(c)(7)) of the Social Security Act))'' after ''initial price applicability year 2026''.

(b) REDUCTION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT.—Section 10301(a)(1)(A)(i) of this Act is amended by striking subclause (II).

SA 5424. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 21001(a), strike paragraphs (1) through (4) and insert the following:

(1) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the environmental quality incentives program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa through 3839aa–8)—

(A) $250,000,000 for fiscal year 2023;

(B) $1,750,000,000 for fiscal year 2024;

(C) $3,000,000,000 for fiscal year 2025; and

(D) $3,450,000,000 for fiscal year 2026;

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under subchapter B of that chapter (16 U.S.C. 3839aa–21 through 3839aa–25)—

(A) $250,000,000 for fiscal year 2023;

(B) $500,000,000 for fiscal year 2024;

(C) $1,000,000,000 for fiscal year 2025; and

(D) $1,500,000,000 for fiscal year 2026;

(3) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the agricultural conservation easement program under subtitle H of title XII of that Act (16 U.S.C. 3865 through 3865d)—

(A) $100,000,000 for fiscal year 2023;

(B) $200,000,000 for fiscal year 2024;

(C) $500,000,000 for fiscal year 2025; and

(D) $600,000,000 for fiscal year 2026; and

(4) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the regional conservation partnership program under subtitle I of title XII of that Act (16 U.S.C. 3871 through 3871f)—

(A) $250,000,000 for fiscal year 2023;

(B) $800,000,000 for fiscal year 2024;

(C) $1,500,000,000 for fiscal year 2025; and

(D) $2,400,000,000 for fiscal year 2026.

SA 5425. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50261 through 50263 and insert the following:

SEC. 50261. MINERAL LEASING ACT MODERNIZATION.

(a) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(B), in the first sentence, by striking ''$2 per acre for a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.'' and inserting ''$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''; and

(2) in paragraph (2)(C), by striking ''$2 per acre'' and inserting ''$10 per acre''.

(b) FOSSIL FUEL RENTAL RATES.—

(1) ANNUAL RENTALS.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended, in the first sentence, by striking ''$1.50 per acre'' and all that follows through the period at the end and inserting ''$3 per acre per year during the 2-year period beginning on the date the lease begins for new leases, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and not less than $15 per acre per year thereafter, or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', $3 per acre per year during the 2-year period beginning on the date the lease begins, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and $15 per acre per year thereafter.''.

(2) RENTALS IN REINSTATED LEASES.—Section 31(e)(2) of the Mineral Leasing Act (30 U.S.C. 188(e)(2)) is amended by striking ''$10'' and inserting ''$20''.

(c) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) FEE FOR EXPRESSION OF INTEREST.—

''(1) IN GENERAL.—The Secretary shall assess a nonrefundable fee against any person that, in accordance with procedures established by the Secretary to carry out this subsection, submits an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas.

''(2) AMOUNT OF FEE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the fee assessed under paragraph (1) shall be $5 per acre of the area covered by the applicable expression of interest.

''(B) ADJUSTMENT OF FEE.—The Secretary shall, by regulation, not less frequently than every 4 years, adjust the amount of the fee under subparagraph (A) to reflect the change in inflation.''.

SA 5426. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I and insert the following:

PART 3—APPROPRIATIONS TO THE FEDERAL HOSPITAL INSURANCE TRUST FUND

SEC. 10301. FUNDING THE FEDERAL HOSPITAL INSURANCE TRUST FUND.

There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, to the Federal Hospital Insurance Trust Fund, $79,662,000,000.

SA 5427. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike subsection (b) of section 10301.

SA 5428. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301, add the following:

(c) LIMITATIONS RELATED TO THE INTERNAL REVENUE SERVICE.—None of the funds appropriated under subsection (a)(1) may be used—

(1) to audit taxpayers with taxable incomes below $400,000,

(2) to target any taxpayer for political or ideological or religious beliefs, or

(3) for the construction or operation of any Internal Revenue Service business system designed to receive or process information on flows of deposits or withdrawals over any period of time in a taxpayer's private transaction account with a financial intermediary or payment processor or platform.

SA 5429. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike paragraph (5) of section 10301(a).

SA 5430. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike paragraph (3) of section 10301(a).

SA 5431. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I.

SA 5432. Mr. CRAPO submitted an amendment intended to be proposed to

amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 38, line 9 and 10, insert ''privacy protections against leaks of private, legally protected taxpayer data outside of the Internal Revenue Service, universal audit trails to track the utilization and access of private, legally protected taxpayer data by Internal Revenue Service personnel and by contractors and researchers,'' after ''taxpayer advocacy services,''.

SA 5433. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike paragraphs (2) and (3) of section 10301(a) and insert the following:

(2) TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration, $507,533,803, to remain available until September 30, 2031: *Provided*, That these amounts shall be in addition to amounts otherwise available for such purposes.

SA 5434. Mr. DURBIN (for Mr. VAN HOLLEN) proposed an amendment to the resolution S. Res. 675, commemorating the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association; as follows:

Strike all after the resolving clause and insert the following: ''That the Senate—

(1) recognizes the significant contributions to the United States of citizens of Hellenic heritage; and

(2) commemorates the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association, applauds its mission, and commends the many charitable contributions of its members to communities in the United States and around the world.

SA 5435. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR U.S. CUSTOMS AND BORDER PROTECTION.

In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, which shall remain available until September 30, 2027, for necessary expenses relating to the construction or improvement of primary pedestrian fencing and barriers along the southwest border.

SA 5436. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60103.

SA 5437. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60111.

SA 5438. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In subtitle A of title II, add at the end the following:

SEC. 20002. UNUSED ELECTRONIC BENEFITS.

Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by striking paragraph (12) and inserting the following:

''(12) UNUSED ELECTRONIC BENEFITS.—

''(A) IN GENERAL.—If a household has not accessed electronic benefits from the account of the household for a period of not less than 3 months, a State agency shall—

''(i) revoke access to the account;

''(ii) store the account off-line; and

''(iii) revert any amount of electronic benefits remaining in the account to the Department of the Treasury.

''(B) NOTICE.—A State agency shall provide notice of revocation under subparagraph (A)(i) not later than 2 days before the date on which access to the account is revoked.

''(C) REINSTATEMENT.—If the access of a household has been revoked under clause (i) of subparagraph (A) and the account stored off-line under clause (ii) of that subparagraph, the household shall be required to reapply to the State agency for restoration of the account and benefits thereunder.''.

SA 5439. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In subtitle A of title II, add at the end the following:

SEC. 20002. PHOTOGRAPHIC IDENTIFICATION FOR EBT CARD USERS.

Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended—

(1) in paragraph (9), in the heading, by inserting ''ON EBT CARD'' after ''IDENTIFICATION'';

(2) by redesignating paragraph (10) as paragraph (15); and

(3) by inserting after paragraph (9) the following:

''(10) REQUIRED PHOTOGRAPHIC IDENTIFICATION.—A member of a household with an EBT card shall be required to show photographic identification at the point of sale when using the EBT card.''.

SA 5440. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BRINGING IRS EMPLOYEES BACK TO THE OFFICE.

(a) IN GENERAL.—Notwithstanding any other law, in the case of an applicable employee, such employee shall not be authorized to telework during the period—

(1) beginning on the date that is 5 business days after the date of enactment of this Act, and

(2) ending on the date on which the Commissioner of Internal Revenue certifies that the processing backlog with respect to income tax returns for taxable year 2020 has been eliminated.

(b) DEFINITIONS.—In this section—

(1) APPLICABLE EMPLOYEE.—The term ''applicable employee'' means an employee of the Internal Revenue Service who, as of the date of enactment of this Act, is authorized to telework, on a temporary or permanent basis, pursuant to a policy established by the Commissioner of Internal Revenue in response to the coronavirus disease 2019 (COVID–19).

(2) TELEWORK.—The term ''telework'' has the same meaning given such term under section 6501(3) of title 5, United States Code.

SA 5441. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 30002, strike paragraph (1) and insert the following:

(1) $837,500,000, to remain available until September 30, 2028, for disaster recovery assistance under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for natural disasters declared during the period beginning on January 1, 2020 and ending on December 31, 2021.

SA 5442. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I and insert the following:

PART 3—DEDUCTION FOR QUALIFIED BUSINESS INCOME

SEC. 10301. EXTENSION OF DEDUCTION FOR QUALIFIED BUSINESS INCOME.

(a) IN GENERAL.—Section 199A(i) of the Internal Revenue Code of 1986 is amended by striking ''2025'' and inserting ''2030''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5443. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BRINGING IRS EMPLOYEES BACK TO THE OFFICE.

(a) IN GENERAL.—Notwithstanding any other law, in the case of an applicable employee, such employee shall not be authorized to telework during the period—

(1) beginning on the date that is 5 business days after the date of enactment of this Act, and

(2) ending on the date on which the Commissioner of Internal Revenue certifies that

the processing backlog with respect to income tax returns for taxable year 2020 has been eliminated.

(b) DEFINITIONS.—In this section—

(1) APPLICABLE EMPLOYEE.—The term ''applicable employee'' means an employee of the Internal Revenue Service who, as of the date of enactment of this Act, is authorized to telework, on a temporary or permanent basis, pursuant to a policy established by the Commissioner of Internal Revenue in response to the coronavirus disease 2019 (COVID–19).

(2) TELEWORK.—The term ''telework'' has the same meaning given such term under section 6501(3) of title 5, United States Code.

SA 5444. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 381, strike line 20 and all that follows through page 385, line 20, and insert the following:

(c) DEFINITION OF NEW CLEAN VEHICLE.—Subsection (d) of section 30D is amended to read as follows:

''(d) NEW CLEAN VEHICLE.—For purposes of this section, the term 'new clean vehicle' means any vehicle that is cleaner than what the taxpayer owns.''.

SA 5445. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I and insert the following:

SEC. 1300__. EXTENSION OF DEDUCTION FOR QUALIFIED BUSINESS INCOME.

(a) IN GENERAL.—Section 199A(i) of the Internal Revenue Code of 1986 is amended by striking ''2025'' and inserting ''2030''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13900__. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' and inserting ''January 1, 2031'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2030''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5446. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026____. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in paragraph (1), by striking ''50'' and inserting ''37.5''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''50'' and inserting ''62.5'';

(B) in subparagraph (A), by striking ''75'' and inserting ''80''; and

(C) in subparagraph (B), by striking ''25'' and inserting ''20''.

SA 5447. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in part 7 of subtitle A of title V, insert the following:

SEC. 5017__. PRICING PREFERENCE FOR DOMESTIC ENTITIES IN SALE OF DRAWDOWNS FROM STRATEGIC PETROLEUM RESERVE.

(a) DEFINITIONS.—Section 152 of the Energy Policy and Conservation Act (42 U.S.C. 6232) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (4), (6), (8), (9), (10), and (11) as paragraphs (3), (5), (6), (7), (8), and (9), respectively;

(3) in each of paragraphs (3) through (9) (as so redesignated), by inserting a paragraph heading, the text of which comprises the term defined in the paragraph;

(4) by inserting after paragraph (3) (as so redesignated) the following:

''(4) QUALIFIED BIDDER.—The term 'qualified bidder' means an individual or entity that—

''(A) submits to the Secretary an offer to purchase petroleum products withdrawn from the Reserve and offered for sale pursuant to section 161; and

''(B) meets such criteria as the Secretary determines to be appropriate to participate in that sale.''; and

(5) by striking the section designation and heading and all that follows through ''(2) The term'' and inserting the following:

''SEC. 152. DEFINITIONS.

''In this part and part C:

''(1) DOMESTIC ENTITY.—The term 'domestic entity' means a commercial entity that, as determined by the Secretary—

''(A) is headquartered in the United States; and

''(B) purchases or sells petroleum products in the United States.

''(2) IMPORTER.—The term''.

(b) PRICING PREFERENCE FOR DOMESTIC ENTITIES.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended—

(1) in subsection (a), by striking ''the provisions of'';

(2) in subsection (d)—

(A) by striking ''(d)(1) Drawdown'' and inserting the following:

''(b) PREREQUISITE PRESIDENTIAL FINDING.—

''(1) IN GENERAL.—A drawdown''; and

(B) in paragraph (2)—

(i) by striking ''(2) For purposes'' and inserting the following:

''(2) FACTORS FOR DEEMED EXISTENCE.—For purposes''; and

(ii) by indenting subparagraphs (A) through (C) appropriately;

(3) in subsection (e)—

(A) by striking paragraph (2) and inserting the following:

''(3) CANCELLATIONS.—The Secretary may cancel, in whole or in part, any offer to sell petroleum products as part of any drawdown and sale under this section.''; and

(B) by striking ''(e)(1) The Secretary'' and all that follows through the end of paragraph (1) and inserting the following:

''(c) PROCEDURE FOR SALES.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve—

''(A) at public sale;

''(B) after providing public notice of each sale;

''(C) for such period as the Secretary considers to be appropriate; and

''(D) without regard to Federal, State, or local regulations relating to sales of petroleum products.

''(2) PRICING.—The Secretary shall—

''(A) establish the price for each sale of petroleum products withdrawn from the Reserve; and

''(B) sell the petroleum products to the qualified bidder offering the highest bid, subject to the condition that pricing preference shall be given to qualified bidders that are domestic entities, in accordance with subsection (d).'';

(4) by inserting after subsection (c) (as so redesignated) the following:

''(d) PRICING PREFERENCE FOR DOMESTIC ENTITIES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, in each sale under this section of petroleum products withdrawn from the Reserve, the Secretary shall provide to qualified bidders that are domestic entities a pricing preference in accordance with paragraph (2).

''(2) MECHANISM FOR ADJUSTMENT.—To provide pricing preference required by paragraph (1) in conducting a sale under this section the Secretary shall, in accordance with subsection (c)—

''(A) accept bids from all qualified bidders; but

''(B) in evaluating the accepted bids to identify the highest bidder, add to the bid price offered by each qualified bidder that is a domestic entity—

''(i) for a domestic entity that is a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), an amount equal to the product obtained by multiplying—

''(I) the amount of the bid price offered by that domestic entity; and

''(II) 15 percent; and

''(ii) for a domestic entity that is not a small business concern described in clause (i), an amount equal to the product obtained by multiplying—

''(I) the amount of the bid price offered by that domestic entity; and

''(II) 10 percent.

''(3) EFFECT OF SUBSECTION.—Nothing in this subsection—

''(A) requires the Secretary to sell petroleum products withdrawn from the Reserve to a domestic entity if the highest bid received from a qualified bidder that is a domestic entity, as adjusted pursuant to paragraph (2), is lower than a bid received from a qualified bidder that is not a domestic entity; or

''(B) modifies, supercedes, or otherwise affects the application of, or any requirement under, subsection (h).'';

(5) in subsection (g)—

(A) by striking the subsection designation and all that follows through ''Such a'' in the third sentence of paragraph (1) and inserting the following:

''(e) EVALUATION; TEST DRAWDOWNS.—

''(1) EVALUATION.—The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures under this section, including the application of the pricing preference for domestic entities under subsection (d).

''(2) TEST DRAWDOWNS.—In conducting an evaluation under paragraph (1), the Secretary may carry out a test drawdown and sale or exchange of petroleum products from the Reserve, subject to the condition that such a'';

(B) in paragraph (4), by inserting '', subject to the condition that pricing preference may be provided to domestic entities in accordance with subsection (d), as the Secretary

determines to be appropriate'' before the period at the end; and

(C) by indenting paragraph (6) appropriately;

(6) in subsection (h)(1)—

(A) by striking the undesignated matter following subparagraph (D);

(B) by striking ''(h)(1) If'' and inserting the following:

''(f) PRESIDENTIAL FINDING ON SHORTAGES.—

''(1) IN GENERAL.—Subject to paragraph (2) and subsection (d), the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve if'';

(C) in subparagraph (A), by striking ''subsection (d)'' and inserting ''subsection (b)'';

(D) by indenting subparagraphs (A) and (B) appropriately; and

(E) in subparagraph (D), by striking the comma at the end and inserting a period;

(7) by redesignating subsections (i) and (j) as subsections (g) and (h), respectively; and

(8) in paragraph (2) of subsection (h) (as so redesignated), in the paragraph heading, by striking ''IN GENERAL'' and inserting ''STATE OF HAWAI'I''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 154 of the Energy Policy and Conservation Act (42 U.S.C. 6234) is amended—

(A) by striking subsection (f) and inserting the following:

''(c) DRAWDOWN AND DISTRIBUTION.—

''(1) IN GENERAL.—The drawdown and distribution of petroleum products from the Strategic Petroleum Reserve is authorized only in accordance with section 161.

''(2) PROHIBITION.—A drawdown and distribution of petroleum products for purposes other than the objectives described in section 160(b) shall be prohibited.

''(3) REQUEST OF FUNDS.—

''(A) IN GENERAL.—In the annual budget submission of the Secretary, the Secretary shall request funds for acquisition, transportation, and injection of petroleum products for storage in the Reserve.

''(B) NO REQUEST.—If no request for funds is submitted under subparagraph (A) for a fiscal year, the Secretary shall provide a written explanation of the reasons why no request was submitted.'';

(B) in subsection (b), by striking ''(b) The Secretary'' and inserting the following:

''(b) AUTHORITY OF SECRETARY.—The Secretary''; and

(C) by striking the section designation and heading and all that follows through ''shall be created'' in subsection (a) and inserting the following:

''SEC. 154. STRATEGIC PETROLEUM RESERVE.

''(a) ESTABLISHMENT.—A Strategic Petroleum Reserve for the storage of up to 1,000,000,000 barrels of petroleum products shall be established''.

(2) Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''following objectives:'' and inserting ''objectives of—''; and

(II) by striking ''(b) The Secretary shall, to the greatest'' and inserting the following:

''(b) OBJECTIVES FOR ACQUISITIONS.—The Secretary shall, to the maximum'';

(ii) by inserting after paragraph (1) the following:

''(2) support of domestic entities by providing pricing preference in accordance with section 161(d);''; and

(iii) by indenting paragraphs (1), (3), (4), and (5) appropriately;

(B) in subsection (f)—

(i) by striking ''the Reserve and may sell'' and inserting the following: ''the Reserve; and

''(2) subject to section 161(d), may sell'';

(ii) by striking ''the Secretary may suspend'' and inserting the following: ''the Secretary—

''(1) may suspend''; and

(iii) by striking ''(f) If the'' and inserting the following:

''(d) IMMINENT SEVERE ENERGY SUPPLY INTERRUPTIONS.—If the'';

(C) in subsection (h)—

(i) in paragraph (2)—

(I) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately; and

(II) in the matter preceding clause (i) (as so redesignated), in the second sentence, by striking ''The price paid by the Secretary— '' and inserting the following:

''(B) PRICE.—The price paid by the Secretary for an acquisition pursuant to this subsection—''; and

(III) by striking ''(2) Crude oil'' and inserting the following:

''(2) PRICING FOR ACQUISITIONS.—

''(A) COMPETITIVE BID.—Crude oil'';

(ii) in paragraph (1), by striking the second sentence and inserting the following:

''(B) TERMS AND CONDITIONS.—Subject to paragraph (2), the Secretary may establish such terms and conditions for an acquisition pursuant to this subsection as the Secretary determines to be necessary.''; and

(iii) by striking ''(h)(1) If'' and inserting the following:

''(e) DECLINES IN DOMESTIC OIL PRODUCTION.—

''(1) DIRECTED ACQUISITIONS.—

''(A) IN GENERAL.—If''; and

(D) by striking the section designation and heading and all that follows through ''(a) The Secretary'' and inserting the following:

''SEC. 160. PETROLEUM PRODUCTS FOR STORAGE IN THE RESERVE.

''(a) AUTHORITY OF SECRETARY.—The Secretary''.

(3) Section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) is amended—

(A) in subsection (b)—

(i) in paragraph (3)—

(I) by striking ''subsection (g) of such section'' and inserting ''subsection (e) of that section''; and

(II) by striking ''section 160(f)'' and inserting ''section 160(d)'';

(ii) by redesignating paragraphs (2) and (3) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(iii) in the undesignated matter following subparagraph (B) (as so redesignated), by striking ''Funds'' and inserting the following:

''(2) AVAILABILITY.—Funds''; and

(iv) by striking ''(b) Amounts'' and inserting the following:

''(b) OBLIGATION OF AMOUNTS.—

''(1) IN GENERAL.—Amounts''; and

(B) in subsection (d), in the matter preceding paragraph (1)—

(i) by striking ''subsection (g) of such section'' and inserting ''subsection (e) of that section''; and

(ii) by striking ''section 160(f)'' and inserting ''section 160(d)''.

(4) Section 168(a) of the Energy Policy and Conservation Act (42 U.S.C. 6247a(a)) is amended, in the first sentence, by striking ''product owned'' and inserting ''products owned''.

(5) The table of contents of the Energy Policy and Conservation Act (42 U.S.C. 6201 note; Public Law 94–163) is amended by striking the items relating to the second part D of title I (relating to expiration) and the second section 181 (relating to expiration).

SA 5448. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 426, strike lines 3 and 4 and insert the following:

(B) in clause (i), by striking ''the sun'' and inserting ''natural gas or liquid natural gas, the sun, water'',

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SA 5449. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—COMMITTEE ON THE JUDICIARY

SEC. ____0001. TASK FORCE TO REFORM THE BUREAU OF PRISONS INMATE TRUST FUND ACCOUNTS.

The Attorney General shall establish a task force to reform the handling of funds of Federal prisoners held in trust by the Bureau of Prisons and commissary funds of Federal prisoners.

SA 5450. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FOREIGN STATE COMPUTER INTRUSIONS.

(a) IN GENERAL.—Section 1605B of title 28, United States Code, is amended by adding at the end the following:

''(e) COMPUTER INTRUSIONS BY A FOREIGN STATE.—A foreign state shall not be immune from the jurisdiction of the courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state by a national of the United States for personal injury, harm to reputation, or damage to or loss of property resulting from any of the following activities, whether occurring in the United States or a foreign state:

''(1) Unauthorized access to or access exceeding authorization to a computer located in the United States.

''(2) Unauthorized access to confidential, electronic stored information located in the United States.

''(3) The transmission of a program, information, code, or command to a computer located in the United States, which, as a result of such conduct, causes damage without authorization.

''(4) The use, dissemination, or disclosure, without consent, of any information obtained by means of any activity described in paragraph (1), (2), or (3).

''(5) The provision of material support or resources for any activity described in paragraph (1), (2), (3), or (4), including by an official, employee, or agent of such foreign state.''.

(b) APPLICATION.—This section and the amendment made by this section shall apply to any action pending on, or filed on or after, the date of the enactment of this Act.

SA 5451. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FORFEITING NONPROFIT TAX EXEMPT STATUS FOR PROVIDING FINANCIAL ASSISTANCE TO ALIENS WHO UNLAWFULLY ENTER THE UNITED STATES.

Any nonprofit organization that knowingly provides financial assistance to aliens who unlawfully entered the United States may not receive any tax-related benefit available to organizations described in section 503(c)(3) of the Internal Revenue Code.

SA 5452. Mr. MORAN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30002(a)(1) and insert the following:

(1) $837,500,000, to remain available until September 30, 2028, for the cost of providing direct loans, and for grants, as provided for in subsection (b), including to subsidize gross obligations for the principal amount of direct loans, not to exceed $4,000,000,000, to fund projects that improve security, prevent crime, and increase resident safety;

SA 5453. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

SEC. 90001. FUNDING FOR PROVIDERS RELATING TO COVID–19.

(a) EQUITY FOR PROVIDERS SERVING VULNERABLE POPULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall distribute not less than 75 percent of any unobligated funds in the Provider Relief Fund, including any unobligated funds returned by or recouped from recipients of past distributions from such Fund, to assisted living facilities.

(2) ELIGIBLE RURAL PROVIDERS.—Of the amount distributed under paragraph (1), not less than 20 percent shall be distributed to assisted living facilities that are eligible rural providers.

(b) LIMITATIONS.—Payments made to an assisted living facility under this section may not be used to reimburse any expense or loss that—

(1) has been reimbursed from another source; or

(2) another source is obligated to reimburse.

(c) DEFINITIONS.—In this section:

(1) ASSISTED LIVING FACILITY.—The term ''assisted living facility'' has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)).

(2) ELIGIBLE RURAL PROVIDER.—The term ''eligible rural provider'' means—

(A) an eligible health care provider as defined in section 1150C(e)(1) of the Social Security Act (42 U.S.C. 1320b–26(e)(1)); or

(B) an assisted living facility that provides services to individuals whose place of residence immediately prior to the individual relocating and establishing residence with the assisted living facility was located in a rural area, as defined by the Federal Office of Rural Health Policy in accordance with the ''Response to Comments on Revised Geographic Eligibility for Federal Office of Rural Health Policy Grants'' promulgated by the Health Resources and Services Administration on January 12, 2021 (86 Fed. Reg. 2418).

(3) PAYMENT.—The term ''payment'' includes, as determined appropriate by the Secretary, a pre-payment, a prospective payment, a retrospective payment, or a payment through a grant or other mechanism.

SA 5454. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50131 and insert the following:

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

(a) ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(A) $330,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with paragraph (2); and

(B) $270,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with paragraph (3).

(2) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under paragraph (1)(A) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt—

(i) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(ii) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

(iii) any combination of building energy codes described in clause (i) or (ii); and

(B) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(3) ZERO ENERGY CODE.—The Secretary shall use funds made available under paragraph (1)(B) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(B) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(4) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy—Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861), shall not apply to assistance provided under this subsection.

(5) ADMINISTRATIVE COSTS.—Of the amounts made available under this subsection, the Secretary shall reserve 5 percent for administrative costs necessary to carry out this subsection.

(b) BLM PERMITTING.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available through September 30, 2026, for the Bureau of Land Management to finalize outstanding permitting activities for projects that would facilitate access to nickel and cobalt deposits.

SA 5455. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 468, strike lines 15 through 19 and insert the following:

''(I) in connection with a qualified facility which—

''(aa) in the case of a qualified facility which is a hydroelectric facility and exclusively serves communities which are not interconnected to the United States continental grid, has a maximum net output of not greater than 20 megawatts (as measured in alternating current), or

''(bb) in the case of a qualified facility which is not described in item (aa), has a maximum net output of not greater than 5 megawatts (as measured in alternating current), and

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SA 5456. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 60105, strike subsection (d) and insert the following:

(d) TARGETED AIRSHED GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for targeted airshed grants in accordance with paragraph (6) of the matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1513), for the purpose of replacing woodstoves and wood fireplaces with cleaner home heating devices, and other related activities.

SA 5457. Ms. MURKOWSKI (for herself, Mr. DAINES, Mr. RISCH, and Mr.

SULLIVAN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 23001(a), strike paragraph (4) and insert the following:

(4) $50,000,000 to carry out good neighbor agreements under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) on National Forest System land.

SA 5458. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50223 and insert the following:

SEC. 50223. NATIONAL PARK SERVICE AND BUREAU OF LAND MANAGEMENT CULTURAL ASSET PROTECTION AND WILDFIRE RESILIENCE AND MITIGATION ACTIVITIES.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $125,000,000 for the period of fiscal years 2022 through 2026, and $125,000,000 for the period of fiscal years 2027 through 2031, for the National Park Service and Bureau of Land Management to conduct activities to protect cultural assets and natural resources from degradation as a result of vandalism and trespassing on Federal land along the international border between the United States and Mexico; and

(2) $125,000,000 for the period of fiscal years 2022 through 2026, and $125,000,000 for the period of fiscal years 2027 through 2031, for the National Park Service and Bureau of Land Management to conduct wildfire resilience and mitigation activities, including hazardous fuels reduction activities and wildfire prevention treatments.

(b) LIMITATION.—The funds made available under this section are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.

SA 5459. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 13903. NONPROFIT COMMUNITY DEVELOPMENT ACTIVITIES IN REMOTE NATIVE VILLAGES.

(a) IN GENERAL.—For purposes of subchapter F of chapter 1 of the Internal Revenue Code of 1986, any activity substantially related to participation and investment in fisheries in the Bering Sea and Aleutian Islands statistical and reporting areas (as described in Figure 1 of section 679 of title 50, Code of Federal Regulations) carried on by an entity identified in section 305(i)(1)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(D)) (as in effect on the date of enactment of this section) shall be considered substantially related to the exercise or performance of the purpose constituting the basis of such entity's exemption under section 501(a) of such Code if the conduct of such activity is in furtherance of 1 or more of the purposes specified in section 305(i)(1)(A) of such Act. For purposes of this paragraph, activities substantially related to participation or investment in fisheries include the harvesting, processing, transportation, sales, and marketing of fish and fish products of the Bering Sea and Aleutian Islands statistical and reporting areas.

(b) APPLICATION TO CERTAIN WHOLLY OWNED SUBSIDIARIES.—If the assets of a trade or business relating to an activity described in subsection (a) of any subsidiary wholly owned by an entity identified in section 305(i)(1)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(D)) are transferred to such entity (including in liquidation of such subsidiary) not later than 18 months after the date of the enactment of this Act—

(1) no gain or income resulting from such transfer shall be recognized to either such subsidiary or such entity under such Code, and

(2) all income derived from such subsidiary from such transferred trade or business shall be exempt from taxation under such Code.

(c) EFFECTIVE DATE.—This section shall be effective during the existence of the western Alaska community development quota program established by Section 305(i)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)), as amended.

SA 5460. Ms. MURKOWSKI (for herself, Mr. DAINES, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 23003(a), strike paragraph (1) and insert the following:

(1) $700,000,000 to carry out good neighbor agreements under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) on National Forest System land; and

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SA 5461. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 80003 and 80004 and insert the following:

SEC. 80003. TRIBAL ELECTRIFICATION PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for—

(1) the provision of electricity to unelectrified Tribal homes through zero-emissions energy systems;

(2) transitioning electrified Tribal homes to zero-emissions energy systems; and

(3) associated home repairs and retrofitting necessary to install the zero-emissions energy systems authorized under paragraphs (1) and (2).

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(d) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(e) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) or a self-governance compact entered into pursuant to section 404(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) and (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 80004. EMERGENCY DROUGHT RELIEF FOR TRIBES.

(a) EMERGENCY DROUGHT RELIEF.—In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Bureau of Reclamation water project, including through direct financial assistance to address drinking water shortages and to mitigate the loss of Tribal trust resources.

(b) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

SEC. 80005. TRIBAL PUBLIC SAFETY.

(a) PUBLIC SAFETY AND JUSTICE.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for Indian Affairs for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $25,500,000, to remain available until September 30, 2031, for public safety and justice programs.

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for Indian Affairs for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $1,500,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(d) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) or a self-governance compact entered into pursuant to section 404(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) and (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325); and

(3) shall only be used for the purposes identified under the applicable subsection.

SA 5462. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 80004 and insert the following:

SEC. 80004. FEDERAL INDIAN BOARDING SCHOOL INITIATIVE.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, to carry out the Federal Indian Boarding School Initiative of the Department of the Interior.

SA 5463. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60103 and insert the following:

SEC. 60103. NUCLEAR REGULATORY COMMISSION.

In addition to amounts otherwise available, there are appropriated to the Nuclear Regulatory Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $200,000,000 for expenses necessary for the Nuclear Regulatory Commission to carry out activities relating to the review and approval or disapproval of an application for an early site permit (as defined in section 52.1 of title 10, Code of Federal Regulations (or a successor regulation)); and

(2) $30,000,000 for expenses necessary for the Nuclear Regulatory Commission to conduct environmental reviews that—

(A) are for a subsequent license renewal (commonly referred to as an ''SLR'');

(B) begin after February 24, 2022; and

(C) are carried out in accordance with parts 51 and 54 of title 10, Code of Federal Regulations (or successor regulations).

SA 5464. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle B of title I, add the following:

SEC. 11005. ENSURING ACCESS FOR MEDICARE BENEFICIARIES TO ORAL CANCER DRUGS.

Sec. 1192(e)(3) of the Social Security Act, as added by section 11001, is amended by adding at the end the following new subparagraph:

''(D) ORAL CANCER DRUGS.—A drug used to treat oral cancer.''.

SA 5465. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FUNDING FOR CHARTER SCHOOL PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $440,000,000, to remain available through September 30, 2031, for the charter school program under part C of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.).

SA 5466. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ALLOWING COMMITTEES OF JURISDICTION ACCESS TO INFORMATION SUBMITTED BY PHARMACY BENEFIT MANAGERS FOR LEGISLATIVE PURPOSES.

(a) IN GENERAL.—Section 1150A(c) of the Social Security Act (42 U.S.C. 1320b–23(c)) is amended by adding at the end the following new paragraph:

''(5) To the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate, for the purposes of providing congressional oversight and legislative recommendations with respect to the Medicare prescription drug program under part D of title XVIII.''.

(b) FUNDING.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $900,000 for fiscal year 2022, to remain available until expended, to carry out the provisions of, including the amendments made by, this section.

(2) OFFSETTING REDUCTION IN FUNDING FOR DRUG PRICE NEGOTIATION.—Section 11004 is amended by striking ''$3,000,000,000'' and inserting ''$2,999,000,000''.

SA 5467. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 11004 and insert the following:

SEC. 11004. FUNDING.

In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $1,725,000,000 for fiscal year 2022, to remain available until expended, to carry out the provisions of, including the amendments made by, this part (other than section 11005).

SEC. 11005. PROTECTING MEDICARE BENEFICIARIES' ACCESS TO HEALTH CARE PROVIDERS.

Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (c)(2)(B)(iv)(V), by striking ''or 2022'' and inserting '', 2022, or 2023''; and

(2) in subsection (t)—

(A) in the subsection heading, by striking ''AND 2022'' and inserting '', 2022, AND 2023'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''and 2022'' and inserting '', 2022, and 2023'';

(ii) in subparagraph (A), by striking ''and'' at then end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(C) such services furnished on or after January 1, 2023, and before January 1, 2024, by 1.0 percent.''; and

(C) in paragraph (2)(C)—

(i) in the subparagraph heading, by striking ''AND 2022'' and inserting '', 2022, AND 2023''; and

(ii) by striking ''or 2022'' each place it appears and inserting '', 2022, or 2023''.

SA 5468. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title II, insert the following:

SEC. 23_____. ANNUAL TIMBER REVENUE RECEIPTS.

The Secretary shall administer the National Forest System in a manner necessary to attain annual timber receipts commensurate with not less than 75 percent of the allowable sale quantity described in section 13 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1611) and administratively established under each applicable most recently adopted land and management resource plan.

SA 5469. Ms. HASSAN proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

Strike part 6 of subtitle D of title I.

SA 5470. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 70002 and insert the following:

SEC. 70002. UNITED STATES POSTAL SERVICE CLEAN FLEETS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code—

(1) $1,290,000,000, to remain available through September 30, 2031, for the purchase of zero-emission delivery vehicles with respect to which the requirements described in paragraphs (1), (2)(A), and (3)(A) of subsection (b) are satisfied; and

(2) $1,710,000,000, to remain available through September 30, 2031, for the purchase, design, and installation of the requisite infrastructure to support zero-emission delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.

(b) REQUIREMENTS.—

(1) FINAL ASSEMBLY REQUIREMENT.—The requirement described in this paragraph is that final assembly of the vehicle occurs in North America.

(2) CRITICAL MINERALS REQUIREMENT.—

(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the applicable critical minerals (as defined in section 45X(c)(6) of the Internal Revenue Code of 1986, as added by section 13502(a) of this Act) contained in such battery that were—

(i) extracted or processed in the United States;

(ii) extracted or processed in any country with which the United States has a free trade agreement in effect; or

(iii) recycled in North America,

is equal to or greater than the applicable percentage.

(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

(i) in the case of a vehicle placed in service before January 1, 2024, 40 percent;

(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent;

(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent;

(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent; and

(v) in the case of a vehicle placed in service after December 31, 2026, 80 percent.

(3) BATTERY COMPONENT REQUIREMENT.—

(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the components contained in such battery that were manufactured or assembled in North America is equal to or greater than the applicable percentage.

(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

(i) in the case of a vehicle placed in service before January 1, 2024, 50 percent;

(ii) in the case of a vehicle placed in service during calendar year 2024 or 2025, 60 percent;

(iii) in the case of a vehicle placed in service during calendar year 2026, 70 percent;

(iv) in the case of a vehicle placed in service during calendar year 2027, 80 percent;

(v) in the case of a vehicle placed in service during calendar year 2029, 90 percent; and

(vi) in the case of a vehicle placed in service after December 31, 2028, 100 percent.

SA 5471. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 40008. SPECTRUM AUCTION.

(a) IDENTIFICATION.—Not later than 21 months after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Federal Communications Commission (referred to in this section as the ''Commission'') shall submit to the President, the Commission, and the relevant congressional committees (as defined in section 90008(a) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note; Public Law 117–58)) a report that identifies 350 megahertz of electromagnetic spectrum between the frequencies of 3100 megahertz and 3450 megahertz, inclusive, to be reallocated by the Commission through a system of competitive bidding under subsection (b) for non-Federal use or shared Federal and non-Federal use, or a combination thereof.

(b) REALLOCATION OF SPECTRUM THROUGH AUCTION.—

(1) IN GENERAL.—Not later than 7 years after the date of enactment of this Act, the Commission shall—

(A) notwithstanding paragraph (11) or (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), in coordination with the Assistant Secretary of Commerce for Communications and Information, conduct a system of competitive bidding under that section to award licenses for non-Federal use or shared Federal and non-Federal use, or a combination thereof, of the band or bands of electromagnetic spectrum identified under subsection (a); and

(B) promulgate rules for the use of spectrum reallocated under subparagraph (A).

(2) AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in this subsection shall be construed to relieve the Commission from the requirements under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(3) EXTENSION OF AUCTION AUTHORITY.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''section 90008(b)(2)(A)(ii) of the Infrastructure Investment and Jobs Act'' and inserting ''section 40008(a) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' ''.

(c) USE OF AUCTION PROCEEDS.—Notwithstanding subparagraphs (A), (C)(i), and (D) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), and except as provided in subparagraph (B) of that paragraph, the proceeds (including deposits and upfront payments from successful bidders) of competitive bidding under subsection (b) of this section (in this subsection referred to as ''covered proceeds'') shall be deposited or available as follows:

(1) Such amount of the covered proceeds as is necessary to cover 110 percent of the relocation or sharing costs of Federal entities relocated from or sharing the frequencies identified under subsection (a) shall be deposited in the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(2) After the amount required to be deposited by paragraph (1) of this subsection is so deposited, the Commission shall use such amounts as are necessary to reimburse the general fund of the Treasury for any amounts borrowed under section (d) of this section; and

(3) After compliance with paragraphs (1) and (2) of this subsection, the Commission shall deposit all remaining amounts in the general fund of the Treasury for the sole purpose of deficit reduction.

(d) FCC BORROWING AUTHORITY.—The Commission may borrow from the Treasury of the United States an amount not to exceed $3,700,000,000 to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.), notwithstanding the limitation on expenditures under section 4(k) of that Act (47 U.S.C. 1603(k)) and provided that the Commission shall not use any funds borrowed under this subsection in a manner that may result in outlays on or after September 30, 2031.

(e) RELATION TO SPECTRUM AUCTION UNDER INFRASTRUCTURE INVESTMENT AND JOBS ACT.—Paragraphs (2), (3), and (4) of section 90008(b) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note; Public Law 117–58) are repealed.

SA 5472. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I, insert the following:

SEC. 13904. REMOVAL OF HARMFUL SMALL BUSINESS TAXES; EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) REMOVAL OF HARMFUL SMALL BUSINESS TAXES.—Subparagraph (D) of section 59(k)(1), as added by section 10101, is amended to read as follows:

''(D) SPECIAL RULES FOR DETERMINING APPLICABLE CORPORATION STATUS.—Solely for purposes of determining whether a corporation is an applicable corporation under this paragraph, all adjusted financial statement income of persons treated as a single employer with such corporation under subsection (a) or (b) of section 52 shall be treated as adjusted financial statement income of such corporation, and adjusted financial statement income of such corporation shall be determined without regard to paragraphs (2)(D)(i) and (11) of section 56A(c).''.

(b) EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.—

(1) IN GENERAL.—Section 164(b)(6) is amended—

(A) in the heading, by striking ''2025'' and inserting ''2026'', and

(B) by striking ''2026'' and inserting ''2027''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2022.

SA 5473. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 736, line 15, insert '': *Provided*, That none of the funds made available under this paragraph may be used to replace a vehicle that has been driven for less than 100,000 miles'' before the period.

SA 5474. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

SEC. 11005. FLOOR FOR MAXIMUM FAIR PRICE UNDER THE DRUG PRICE NEGOTIATION PROGRAM.

Section 1194 the Social Security Act, as added by section 11001, is amended—

(1) in subsection (b)(2)(F)(ii), by inserting ''or (h)'' after ''subsection (d)''; and

(2) by adding at the end the following new subsection:

''(h) FLOOR FOR MAXIMUM FAIR PRICE.—

''(1) IN GENERAL.—The maximum fair price negotiated under this section for a selected drug (other than a small biotech drug described in subsection (d) for 2029 and 2030), with respect to the first year of the price applicability period with respect to such drug,

may not be less than the applicable percent of the lower of—

''(A) the amount under subsection (c)(1)(B), as applicable; or

''(B) the amount under subsection (c)(1)(C), as applicable.

''(2) APPLICABLE PERCENT.—In paragraph (1), the term 'applicable percent' means—

''(A) in the case of a short monopoly drug (as described in subparagraph (c)(3)(A)), 65 percent;

''(B) in the case of an extended-monopoly drug (as defined in subsection (c)(4)), 55 percent; and

''(C) in the case of a long-monopoly drug (as defined in subsection (c)(5), 30 percent.''.

SA 5475. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Striking the Continued Delay of Prescription Drug Rebate Rule

SEC. 14001. STRIKING CONTINUED DELAY OF IMPLEMENTATION OF PRESCRIPTION DRUG REBATE RULE.

(a) IN GENERAL.—Subtitle B of title I is amended by striking part 4.

(b) OFFSETTING REDUCTIONS IN FUNDING.—

(1) Section 10301(a)(1) of this Act is amended by striking paragraph (1).

(2) Title III of this Act is amended by striking section 30001.

(3) Title V of this Act is amended—

(A) by striking 50121; and

(B) by striking section 50144.

(4) Title VI of this Act is amended—

(A) by striking section 60103;

(B) by striking section 60113; and

(C) by striking section 60114.

SA 5476. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF TREATMENT OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 13206 of Public Law 115–97 is amended—

(1) in subsection (b)(3), by striking ''2021'' and inserting ''2022'', and

(2) in subsection (e), by striking ''2021'' and inserting ''2022''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 13206 of Public Law 115–97.

SA 5477. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF TREATMENT OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 13206 of Public Law 115–97 is amended—

(1) in subsection (b)(3), by striking ''2021'' and inserting ''2023'', and

(2) in subsection (e), by striking ''2021'' and inserting ''2023''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 13206 of Public Law 115–97.

SA 5478. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF TREATMENT OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 13206 of Public Law 115–97 is amended—

(1) in subsection (b)(3), by striking ''2021'' and inserting ''2025'', and

(2) in subsection (e), by striking ''2021'' and inserting ''2025''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 13206 of Public Law 115–97.

SA 5479. Mr. CRAPO (for himself, Mr. MARSHALL, Mr. DAINES, Mr. TILLIS, Mr. BURR, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike parts 1 through 4 of subtitle B of title I and insert the following:

PART 1—MEDICARE AND MEDICAID PROVISIONS

Subpart A—Medicare Part B Provisions

SEC. 11001. IMPROVEMENTS TO MEDICARE SITE-OF-SERVICE TRANSPARENCY.

Section 1834(t) of the Social Security Act (42 U.S.C. 1395m(t)) is amended—

(1) in paragraph (1)—

(A) in the heading, by striking ''IN GENERAL'' and inserting ''SITE PAYMENT'';

(B) in the matter preceding subparagraph (A)—

(i) by striking ''or to'' and inserting '', to'';

(ii) by inserting '', or to a physician for services furnished in a physician's office'' after ''surgical center under this title''; and

(iii) by inserting ''(or 2023 with respect to a physician for services furnished in a physician's office)'' after ''2018''; and

(C) in subparagraph (A)—

(i) by striking ''and the'' and inserting '', the''; and

(ii) by inserting '', and the physician fee schedule under section 1848 (with respect to the practice expense component of such payment amount)'' after ''such section'';

(2) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) PHYSICIAN PAYMENT.—Beginning in 2023, the Secretary shall expand the information included on the internet website described in paragraph (1) to include—

''(A) the amount paid to a physician under section 1848 for an item or service for the settings described in paragraph (1); and

''(B) the estimated amount of beneficiary liability applicable to the item or service.''.

SEC. 11002. PROVIDING FOR VARIATION IN PAYMENT FOR CERTAIN DRUGS COVERED UNDER PART B OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting after ''or 106 percent'' the following: ''(or, for a multiple source drug (other than autologous cellular immunotherapy) furnished on or after January 1, 2023, the applicable percent specified in paragraph (9)(A) for the drug and quarter involved)''; and

(B) in subparagraph (B) of paragraph (1), by inserting after ''106 percent'' the following: ''(or, for a single source drug or biological (other than autologous cellular immunotherapy) furnished on or after January 1, 2023, the applicable percent specified in paragraph (9)(A) for the drug or biological and quarter involved)''; and

(2) by adding at the end the following new paragraph:

''(9) APPLICATION OF VARIABLE PERCENTAGES BASED ON PERCENTILE RANKING OF PER BENEFICIARY ALLOWED CHARGES.—

''(A) APPLICABLE PERCENT TO BE APPLIED.—

''(i) IN GENERAL.—Subject to clause (ii), with respect to a drug or biological furnished in a calendar quarter beginning on or after January 1, 2023, if the Secretary determines that the percentile rank of a drug or biological under subparagraph (B)(i)(III), with respect to per beneficiary allowed charges for all such drugs or biologicals, is—

''(I) at least equal to the 85th percentile, the applicable percent for the drug for such quarter under this subparagraph is 104 percent;

''(II) at least equal to the 70th percentile, but less than the 85th percentile, such applicable percent is 106 percent;

''(III) at least equal to the 50th percentile, but less than the 70th percentile, such applicable percent is 108 percent; or

''(IV) less than the 50th percentile, such applicable percent is 110 percent.

''(ii) CASES WHERE DATA NOT SUFFICIENTLY AVAILABLE TO COMPUTE PER BENEFICIARY ALLOWED CHARGES.—Subject to clause (iii), in the case of a drug or biological furnished for which the amount of payment is determined under subparagraph (A) or (B) of paragraph (1) and not under subsection (c)(4), for calendar quarters during a period in which data are not sufficiently available to compute a per beneficiary allowed charges for the drug or biological, the applicable percent is 106 percent.

''(B) DETERMINATION OF PERCENTILE RANK OF PER BENEFICIARY ALLOWED CHARGES OF DRUGS.—

''(i) IN GENERAL.—With respect to a calendar quarter beginning on or after January 1, 2023, for drugs and biologicals for which the amount of payment is determined under subparagraph (A) or (B) of paragraph (1), except for drugs or biologicals for which data are not sufficiently available, the Secretary shall—

''(I) compute the per beneficiary allowed charges (as defined in subparagraph (C)) for each such drug or biological;

''(II) adjust such per beneficiary allowed charges for the quarter, to the extent provided under subparagraph (D); and

''(III) arrange such adjusted per beneficiary allowed charges for all such drugs or biologicals from high to low and rank such drugs or biologicals by percentile of such per beneficiary allowed charges.

''(ii) FREQUENCY.—The Secretary shall make the computations under clause (i)(I) every 6 months (or, if necessary, as determined by the Secretary, every 9 or 12 months) and such computations shall apply

to succeeding calendar quarters until a new computation has been made.

''(iii) APPLICABLE DATA PERIOD.—For purposes of this paragraph, the term 'applicable data period' means the most recent period for which the data necessary for making the computations under clause (i) are available, as determined by the Secretary.

''(C) PER BENEFICIARY ALLOWED CHARGES DEFINED.—In this paragraph, the term 'per beneficiary allowed charges' means, with respect to a drug or biological for which the amount of payment is determined under subparagraph (A) or (B) of paragraph (1)—

''(i) the allowed charges for the drug or biological for which payment is so made for the applicable data period, as estimated by the Secretary; divided by

''(ii) the number of individuals for whom any payment for the drug or biological was made under paragraph (1) for the applicable data period, as estimated by the Secretary.

''(D) ADJUSTMENT TO REFLECT CHANGES IN AVERAGE SALES PRICE.—In applying this paragraph for a particular calendar quarter, the Secretary shall adjust the per beneficiary allowed charges for a drug or biological by multiplying such per beneficiary allowed charges under subparagraph (C) for the applicable data period by the ratio of—

''(i) the average sales price for the drug or biological for the most recent calendar quarter used under subsection (c)(5)(B); to

''(ii) the average sales price for the drug or biological for the calendar quarter (or the weighted average for the quarters involved) included in the applicable data period.''.

(b) APPLICATION OF JUDICIAL REVIEW PROVISIONS.—Section 1847A(i) of the Social Security Act (42 U.S.C. 1395w–3a(i)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(6) the determination of per beneficiary allowed charges of drugs or biologicals and ranking of such charges under subsection (b)(9).''.

SEC. 11003. ESTABLISHMENT OF MAXIMUM ADD-ON PAYMENT FOR DRUGS AND BIOLOGICALS.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a), as amended by section 11002, is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''paragraph (7)'' and inserting ''paragraphs (7) and (10)''; and

(B) by adding at the end the following new paragraph:

''(10) MAXIMUM ADD-ON PAYMENT AMOUNT.—

''(A) IN GENERAL.—In determining the payment amount under the provisions of subparagraph (A), (B), or (C) of paragraph (1) of this subsection, subsection (c)(4)(A)(ii), or subsection (d)(3)(C) for a drug or biological furnished on or after January 1, 2023, if the applicable add-on payment (as defined in subparagraph (B)) for each drug or biological on a claim for a date of service exceeds the maximum add-on payment amount specified under subparagraph (C) for the drug or biological, then the payment amount otherwise determined for the drug or biological under those provisions, as applicable, shall be reduced by the amount of such excess.

''(B) APPLICABLE ADD-ON PAYMENT DEFINED.—In this paragraph, the term 'applicable add-on payment' means the following amounts, determined without regard to the application of subparagraph (A):

''(i) In the case of a multiple source drug, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(A); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for the applicable percent (as defined in paragraph (9)) for such drug.

''(ii) In the case of a single source drug or biological, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(B); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for the applicable percent (as defined in paragraph (9)) for such drug or biological.

''(iii) In the case of a biosimilar biological product, the amount otherwise determined under paragraph (8)(B).

''(iv) In the case of a drug or biological during the initial period described in subsection (c)(4)(A), an amount equal to the difference between—

''(I) the amount that would otherwise be applied under subsection (c)(4)(A)(ii); and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) '103 percent' in subclause (I) of such subsection; or

''(bb) any percent in excess of 100 percent applied under subclause (II) of such subsection.

''(v) In the case of a drug or biological to which subsection (d)(3)(C) applies, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under such subsection; and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) any percent in excess of 100 percent applied under clause (i) of such subsection; or

''(bb) '103 percent' in clause (ii) of such subsection.

''(C) MAXIMUM ADD-ON PAYMENT AMOUNT SPECIFIED.—For purposes of subparagraph (A), the maximum add-on payment amount specified in this subparagraph is—

''(i) with respect to a drug or biological (other than autologous or allogeneric cellular immunotherapy)—

''(I) for each of 2023 through 2030, $1,000; and

''(II) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year; or

''(ii) with respect to a drug or biological consisting of autologous or allogeneric cellular immunotherapy—

''(I) for each of 2023 through 2030, $2,000; and

''(II) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

Any amount determined under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.''; and

(2) in subsection (c)(4)(A)(ii), by striking ''in the case'' and inserting ''subject to subsection (b)(10), in the case''.

(b) CONFORMING AMENDMENTS RELATING TO SEPARATELY PAYABLE DRUGS.—

(1) OPPS.—Section 1833(t)(14) of the Social Security Act (42 U.S.C. 1395l(t)(14)) is amended—

(A) in subparagraph (A)(iii)(II), by inserting '', subject to subparagraph (I)'' after ''are not available''; and

(B) by adding at the end the following new subparagraph:

''(I) APPLICATION OF MAXIMUM ADD-ON PAYMENT FOR SEPARATELY PAYABLE DRUGS AND BIOLOGICALS.—In establishing the amount of payment under subparagraph (A) for a specified covered outpatient drug that is furnished as part of a covered OPD service (or group of services) on or after January 1, 2023, if such payment is determined based on the average price for the year established under section 1847A pursuant to clause (iii)(II) of such subparagraph, the provisions of subsection (b)(10) of section 1847A shall apply to the amount of payment so established in the same manner as such provisions apply to the amount of payment under section 1847A.''.

(2) ASC.—Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(i)(2)(D)) is amended—

(A) by moving clause (v) 6 ems to the left;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following new clause:

''(vi) If there is a separate payment under the system described in clause (i) for a drug or biological furnished on or after January 1, 2023, the provisions of subsection (t)(14)(I) shall apply to the establishment of the amount of payment for the drug or biological under such system in the same manner in which such provisions apply to the establishment of the amount of payment under subsection (t)(14)(A).''.

SEC. 11004. TREATMENT OF DRUG ADMINISTRATION SERVICES FURNISHED BY CERTAIN EXCEPTED OFF-CAMPUS OUTPATIENT DEPARTMENTS OF A PROVIDER.

Section 1833(t)(16) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL PAYMENT RULE FOR DRUG ADMINISTRATION SERVICES FURNISHED BY AN EXCEPTED DEPARTMENT OF A PROVIDER.—

''(i) IN GENERAL.—In the case of a covered OPD service that is a drug administration service (as defined by the Secretary) furnished by a department of a provider described in clause (ii) or (iv) of paragraph (21)(B), the payment amount for such service furnished on or after January 1, 2023, shall be the same payment amount (as determined in paragraph (21)(C)) that would apply if the drug administration service was furnished by an off-campus outpatient department of a provider (as defined in paragraph (21)(B)).

''(ii) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The reductions made under this subparagraph—

''(I) shall not be considered an adjustment under paragraph (2)(E); and

''(II) shall not be implemented in a budget neutral manner.''.

SEC. 11005. CREDIT UNDER THE MEDICARE MERIT-BASED INCENTIVE PAYMENT SYSTEM FOR COMPLETION OF A CLINICAL MEDICAL EDUCATION PROGRAM ON BIOSIMILAR BIOLOGICAL PRODUCTS.

Section 1848(q)(5)(C) of the Social Security Act (42 U.S.C. 1395w–4(q)(5)(C)) is amended by adding at the end the following new clause:

''(iv) CLINICAL MEDICAL EDUCATION PROGRAM ON BIOSIMILAR BIOLOGICAL PRODUCTS.—Completion of a clinical medical education program developed or improved under section 352A(b) of the Public Health Service Act by a MIPS eligible professional during a performance period shall earn such eligible professional one-half of the highest potential score for the performance category described in paragraph (2)(A)(iii) for such performance period. A MIPS eligible professional may only count the completion of such a program for purposes of such category one time during the eligible professional's lifetime.''.

SEC. 11006. GAO STUDY AND REPORT ON AVERAGE SALES PRICE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study on spending for applicable drugs under part B of title XVIII of the Social Security Act.

(2) APPLICABLE DRUGS DEFINED.—In this section, the term ''applicable drugs'' means drugs and biologicals—

(A) for which reimbursement under such part B is based on the average sales price of the drug or biological; and

(B) that account for the largest percentage of total spending on drugs and biologicals under such part B (as determined by the Comptroller General, but in no case less than 25 drugs or biologicals).

(3) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The extent to which each applicable drug is paid for—

(i) under such part B for Medicare beneficiaries; or

(ii) by private payers in the commercial market.

(B) Any change in Medicare spending or Medicare beneficiary cost-sharing that would occur if the average sales price of an applicable drug was based solely on payments by private payers in the commercial market.

(C) The extent to which drug manufacturers provide rebates, discounts, or other price concessions to private payers in the commercial market for applicable drugs, which the manufacturer includes in its average sales price calculation, for—

(i) formulary placement;

(ii) utilization management considerations; or

(iii) other purposes.

(D) Barriers to drug manufacturers providing such price concessions for applicable drugs.

(E) Other areas determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

Subpart B—Medicare Part D Provisions

SEC. 11011. MEDICARE PART D BENEFIT REDESIGN.

(a) BENEFIT STRUCTURE REDESIGN.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting ''for a year preceding 2023 and for costs above the annual deductible specified in paragraph (1) and up to the annual out-of-pocket threshold specified in paragraph (4)(B) for 2023 and each subsequent year'' after ''paragraph (3)'';

(ii) in clause (i), by inserting after ''25 percent'' the following: ''(or, for 2023 and each subsequent year, 15 percent)''; and

(iii) in clause (ii), by inserting ''(or, for 2023 and each subsequent year, 15 percent)'' after ''25 percent'';

(B) in subparagraph (C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ''for a year preceding 2023,'' after ''paragraph (4),''; and

(ii) in clause (ii)(III), by striking ''and each subsequent year'' and inserting ''2021, and 2022''; and

(C) in subparagraph (D)—

(i) in clause (i)—

(I) in the matter preceding subclause (I), by inserting ''for a year preceding 2023,'' after ''paragraph (4),''; and

(II) in subclause (I)(bb), by striking ''a year after 2018'' and inserting ''each of years 2018 through 2022''; and

(ii) in clause (ii)(V), by striking ''2019 and each subsequent year'' and inserting ''each of years 2019 through 2022'';

(2) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting ''for a year preceding 2023,'' after ''and (4),''; and

(B) in clause (ii), by striking ''for a subsequent year'' and inserting ''for each of years 2007 through 2022''; and

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(II) in the matter preceding item (aa), as redesignated by subclause (I), by striking ''is equal to the greater of—'' and inserting ''is equal to—

''(I) for a year preceding 2023, the greater of—'';

(III) by striking the period at the end of item (bb), as redesignated by subclause (I), and inserting ''; and''; and

(IV) by adding at the end the following:

''(II) for 2023 and each succeeding year, $0.''; and

(ii) in clause (ii)—

(I) by striking ''clause (i)(I)'' and inserting ''clause (i)(I)(aa)''; and

(II) by adding at the end the following new sentence: ''The Secretary shall continue to calculate the dollar amounts specified in clause (i)(I)(aa), including with the adjustment under this clause, after 2022 for purposes of section 1860D–14(a)(1)(D)(iii).'';

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in subclause (V), by striking ''or'' at the end;

(II) in subclause (VI)—

(aa) by striking ''for a subsequent year'' and inserting ''for 2021 and 2022''; and

(bb) by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following new subclauses:

''(VII) for 2023, is equal to $3,100; or

''(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved.''; and

(ii) in clause (ii), by striking ''clause (i)(II)'' and inserting ''clause (i)'';

(C) in subparagraph (C)(i), by striking ''and for amounts'' and inserting ''and for a year preceding 2023 for amounts''; and

(D) in subparagraph (E), by striking ''In applying'' and inserting ''For each of 2011 through 2022, in applying''.

(b) DECREASING REINSURANCE PAYMENT AMOUNT.—Section 1860D–15(b)(1) of the Social Security Act (42 U.S.C. 1395w–115(b)(1)) is amended—

(1) by striking ''equal to 80 percent'' and inserting ''equal to—

''(A) for a year preceding 2023, 80 percent'';

(2) in subparagraph (A), as added by paragraph (1), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(B) for 2023 and each subsequent year, the sum of—

''(i) an amount equal to 20 percent of the allowable reinsurance costs (as specified in paragraph (2)) attributable to that portion of gross covered prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) with respect to applicable drugs (as defined in section 1860D–14B(g)(2)); and

''(ii) an amount equal to 30 percent of the allowable reinsurance costs (as specified in paragraph (2)) attributable to that portion of gross covered prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) with respect to covered part D drugs that are not applicable drugs (as so defined).''.

(c) MANUFACTURER DISCOUNT PROGRAM.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14A (42 U.S.C. 1495w–114) the following new section:

''SEC. 1860D–14B. MANUFACTURER DISCOUNT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a manufacturer discount program (in this section referred to as the 'program'). Under the program, the Secretary shall enter into agreements described in subsection (b) with manufacturers and provide for the performance of the duties described in subsection (c). The Secretary shall establish a model agreement for use under the program by not later than January 1, 2024, in consultation with manufacturers, and allow for comment on such model agreement.

''(b) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—An agreement under this section shall require the manufacturer to provide applicable beneficiaries access to discounted prices for applicable drugs of the manufacturer that are dispensed on or after January 1, 2023.

''(B) PROVISION OF DISCOUNTED PRICES AT THE POINT-OF-SALE.—The discounted prices described in subparagraph (A) shall be provided to the applicable beneficiary at the pharmacy or by the mail order service at the point-of-sale of an applicable drug.

''(2) PROVISION OF APPROPRIATE DATA.—Each manufacturer with an agreement in effect under this section shall collect and have available appropriate data, as determined by the Secretary, to ensure that it can demonstrate to the Secretary compliance with the requirements under the program.

''(3) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary or a third party with a contract under subsection (d)(3), as applicable, for purposes of administering the program, including any determination under subparagraph (A) of subsection (c)(1) or procedures established under such subsection (c)(1).

''(4) LENGTH OF AGREEMENT.—

''(A) IN GENERAL.—An agreement under this section shall be effective for an initial period of not less than 12 months and shall be automatically renewed for a period of not less than 1 year unless terminated under subparagraph (B).

''(B) TERMINATION.—

''(i) BY THE SECRETARY.—The Secretary may provide for termination of an agreement under this section for a knowing and willful violation of the requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of notice to the manufacturer of such termination. The Secretary shall provide, upon request, a manufacturer with a hearing concerning such a termination, and such hearing shall take place prior to the effective date of the termination with sufficient time for such effective date

to be repealed if the Secretary determines appropriate.

''(ii) BY A MANUFACTURER.—A manufacturer may terminate an agreement under this section for any reason. Any such termination shall be effective, with respect to a plan year—

''(I) if the termination occurs before January 30 of a plan year, as of the day after the end of the plan year; and

''(II) if the termination occurs on or after January 30 of a plan year, as of the day after the end of the succeeding plan year.

''(iii) EFFECTIVENESS OF TERMINATION.—Any termination under this subparagraph shall not affect discounts for applicable drugs of the manufacturer that are due under the agreement before the effective date of its termination.

''(iv) NOTICE TO THIRD PARTY.—The Secretary shall provide notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the effective date of such termination.

''(5) EFFECTIVE DATE OF AGREEMENT.—An agreement under this section shall take effect on a date determined appropriate by the Secretary, which may be at the start of a calendar quarter.

''(c) DUTIES DESCRIBED.—The duties described in this subsection are the following:

''(1) ADMINISTRATION OF PROGRAM.—Administering the program, including—

''(A) the determination of the amount of the discounted price of an applicable drug of a manufacturer;

''(B) the establishment of procedures under which discounted prices are provided to applicable beneficiaries at pharmacies or by mail order service at the point-of-sale of an applicable drug;

''(C) the establishment of procedures to ensure that, not later than the applicable number of calendar days after the dispensing of an applicable drug by a pharmacy or mail order service, the pharmacy or mail order service is reimbursed for an amount equal to the difference between—

''(i) the negotiated price of the applicable drug; and

''(ii) the discounted price of the applicable drug;

''(D) the establishment of procedures to ensure that the discounted price for an applicable drug under this section is applied before any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of applicable beneficiaries as the Secretary may specify; and

''(E) providing a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, applicable beneficiaries, and the third party with a contract under subsection (d)(3).

''(2) MONITORING COMPLIANCE.—

''(A) IN GENERAL.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.

''(B) NOTIFICATION.—If a third party with a contract under subsection (d)(3) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance for appropriate enforcement under subsection (e).

''(3) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.

''(d) ADMINISTRATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c).

''(2) LIMITATION.—In providing for the implementation of this section, the Secretary shall not receive or distribute any funds of a manufacturer under the program.

''(3) CONTRACT WITH THIRD PARTIES.—The Secretary shall enter into a contract with one or more third parties to administer the requirements established by the Secretary in order to carry out this section. At a minimum, the contract with a third party under the preceding sentence shall require that the third party—

''(A) receive and transmit information between the Secretary, manufacturers, and other individuals or entities the Secretary determines appropriate;

''(B) receive, distribute, or facilitate the distribution of funds of manufacturers to appropriate individuals or entities in order to meet the obligations of manufacturers under agreements under this section;

''(C) provide adequate and timely information to manufacturers, consistent with the agreement with the manufacturer under this section, as necessary for the manufacturer to fulfill its obligations under this section; and

''(D) permit manufacturers to conduct periodic audits, directly or through contracts, of the data and information used by the third party to determine discounts for applicable drugs of the manufacturer under the program.

''(4) PERFORMANCE REQUIREMENTS.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (3) and safeguards to protect the independence and integrity of the activities carried out by the third party under the program under this section.

''(5) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the program under this section.

''(e) ENFORCEMENT.—

''(1) AUDITS.—Each manufacturer with an agreement in effect under this section shall be subject to periodic audit by the Secretary.

''(2) CIVIL MONEY PENALTY.—

''(A) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to provide applicable beneficiaries discounts for applicable drugs of the manufacturer in accordance with such agreement for each such failure in an amount the Secretary determines is commensurate with the sum of—

''(i) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the discounts which the manufacturer had failed to provide; and

''(ii) 25 percent of such amount.

''(B) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) CLARIFICATION REGARDING AVAILABILITY OF OTHER COVERED PART D DRUGS.—Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in.

''(g) DEFINITIONS.—In this section:

''(1) APPLICABLE BENEFICIARY.—The term 'applicable beneficiary' means an individual who, on the date of dispensing a covered part D drug—

''(A) is enrolled in a prescription drug plan or an MA–PD plan;

''(B) is not enrolled in a qualified retiree prescription drug plan; and

''(C) has incurred costs for covered part D drugs in the year that are equal to or exceed the annual deductible specified in section 1860D–2(b)(1) for such year.

''(2) APPLICABLE DRUG.—The term 'applicable drug' means, with respect to an applicable beneficiary, a covered part D drug—

''(A) approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act (including a product licensed under subsection (k) of such section); and

''(B)(i) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

''(ii) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan does not use a formulary, for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or

''(iii) is provided through an exception or appeal.

''(3) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—

''(A) with respect to claims for reimbursement submitted electronically, 14 days; and

''(B) with respect to claims for reimbursement submitted otherwise, 30 days.

''(4) DISCOUNTED PRICE.—

''(A) IN GENERAL.—The term 'discounted price' means, with respect to an applicable drug of a manufacturer furnished during a year to an applicable beneficiary, 90 percent of the negotiated price of such drug.

''(B) CLARIFICATION.—Nothing in this section shall be construed as affecting the responsibility of an applicable beneficiary for payment of a dispensing fee for an applicable drug.

''(C) SPECIAL CASE FOR CLAIMS SPANNING DEDUCTIBLE.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall at or above the annual deductible specified in section 1860D–2(b)(1) for the year, the manufacturer of the applicable drug shall provide the discounted price under this section on only the portion of the negotiated price of the applicable drug that falls at or above such annual deductible.

''(5) MANUFACTURER.—The term 'manufacturer' means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

''(6) NEGOTIATED PRICE.—The term 'negotiated price' has the meaning given such term in section 1860D–2(d)(1)(B), except that such negotiated price shall not include any dispensing fee for an applicable drug.

''(7) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' has the meaning given such term in section 11860D–22(a)(2).''.

(2) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Section 1860D–14A of the Social Security Act (42 U.S.C. 1395–114a) is amended—

(A) in subsection (a), in the first sentence, by striking ''The Secretary'' and inserting ''Subject to subsection (h), the Secretary''; and

(B) by adding at the end the following new subsection:

''(h) SUNSET OF PROGRAM.—

''(1) IN GENERAL.—The program shall not apply to applicable drugs dispensed on or after January 1, 2023, and, subject to paragraph (2), agreements under this section shall be terminated as of such date.

''(2) CONTINUED APPLICATION FOR APPLICABLE DRUGS DISPENSED PRIOR TO SUNSET.—The provisions of this section (including all responsibilities and duties) shall continue to apply after January 1, 2023, with respect to applicable drugs dispensed prior to such date.''.

(3) INCLUSION OF ACTUARIAL VALUE OF MANUFACTURER DISCOUNTS IN BIDS.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended—

(A) in subsection (b)(2)(C)(iii)—

(i) by striking ''assumptions regarding the reinsurance'' and inserting ''assumptions regarding—

''(I) the reinsurance''; and

(ii) by adding at the end the following:

''(II) for 2023 and each subsequent year, the manufacturer discounts provided under section 1860D– 14B subtracted from the actuarial value to produce such bid; and''; and

(B) in subsection (c)(1)(C)—

(i) by striking ''an actuarial valuation of the reinsurance'' and inserting ''an actuarial valuation of—

''(i) the reinsurance'';

(ii) in clause (i), as added by clause (i) of this subparagraph, by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(ii) for 2023 and each subsequent year, the manufacturer discounts provided under section 1860D–14B;''.

(4) CLARIFICATION REGARDING EXCLUSION OF MANUFACTURER DISCOUNTS FROM TROOP.—Section 1860D–2(b)(4) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)) is amended—

(A) in subparagraph (C), by inserting ''and subject to subparagraph (F)'' after ''subparagraph (E)''; and

(B) by adding at the end the following new subparagraph:

''(F) CLARIFICATION REGARDING EXCLUSION OF MANUFACTURER DISCOUNTS.—In applying subparagraph (A), incurred costs shall not include any manufacturer discounts provided under section 1860D–14B.''.

(d) DETERMINATION OF ALLOWABLE REINSURANCE COSTS.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''COSTS.—For purposes'' and inserting ''COSTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes''; and

(B) by adding at the end the following new subparagraph:

''(B) INCLUSION OF MANUFACTURER DISCOUNTS ON APPLICABLE DRUGS.—For purposes of applying subparagraph (A), the term 'allowable reinsurance costs' shall include the portion of the negotiated price (as defined in section 1860D–14B(g)(6)) of an applicable drug (as defined in section 1860D–14(g)(2)) that was paid by a manufacturer under the manufacturer discount program under section 1860D–14B.''; and

(2) in paragraph (3)—

(A) in the first sentence, by striking ''For purposes'' and inserting ''Subject to paragraph (2)(B), for purposes''; and

(B) in the second sentence, by inserting ''or, in the case of an applicable drug, by a manufacturer'' after ''by the individual or under the plan''.

(e) UPDATING RISK ADJUSTMENT METHODOLOGIES TO ACCOUNT FOR PART D MODERNIZATION REDESIGN.—Section 1860D–15(c) of the Social Security Act (42 U.S.C. 1395w–115(c)) is amended by adding at the end the following new paragraph:

''(3) UPDATING RISK ADJUSTMENT METHODOLOGIES TO ACCOUNT FOR PART D MODERNIZATION REDESIGN.—The Secretary shall update the risk adjustment model used to adjust bid amounts pursuant to this subsection as appropriate to take into account changes in benefits under this part pursuant to the amendments made by section 121 of the Lower Costs, More Cures Act of 2019.''.

(f) CONDITIONS FOR COVERAGE OF DRUGS UNDER THIS PART.—Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(4) participate in the manufacturer discount program under section 1860D–14B;

''(5) have entered into and have in effect an agreement described in subsection (b) of such section 1860D–14B with the Secretary; and

''(6) have entered into and have in effect, under terms and conditions specified by the Secretary, a contract with a third party that the Secretary has entered into a contract with under subsection (d)(3) of such section 1860D–14B.'';

(2) by striking subsection (b) and inserting the following:

''(b) EFFECTIVE DATE.—Paragraphs (1) through (3) of subsection (a) shall apply to covered part D drugs dispensed under this part on or after January 1, 2011, and before January 1, 2023, and paragraphs (4) through (6) of such subsection shall apply to covered part D drugs dispensed on or after January 1, 2023.''; and

(3) in subsection (c), by striking paragraph (2) and inserting the following:

''(2) the Secretary determines that in the period beginning on January 1, 2011, and ending on December 31, 2011 (with respect to paragraphs (1) through (3) of subsection (a)), or the period beginning on January 1, 2023, and ending December 31, 2023 (with respect to paragraphs (4) through (6) of such subsection), there were extenuating circumstances.''.

(g) CONFORMING AMENDMENTS.—

(1) Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(A) in subsection (a)(2)(A)(i)(I), by striking '', or an increase in the initial'' and inserting ''or for a year preceding 2023 an increase in the initial'';

(B) in subsection (c)(1)(C)—

(i) in the subparagraph heading, by striking ''AT INITIAL COVERAGE LIMIT''; and

(ii) by inserting ''for a year preceding 2023 or the annual out-of-pocket threshold specified in subsection (b)(4)(B) for the year for 2023 and each subsequent year'' after ''subsection (b)(3) for the year'' each place it appears; and

(C) in subsection (d)(1)(A), by striking ''or an initial'' and inserting ''or for a year preceding 2023, an initial''.

(2) Section 1860D–4(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 1395w–104(a)(4)(B)(i)) is amended by striking ''the initial'' and inserting ''for a year preceding 2023, the initial''.

(3) Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2023, the continuation'';

(ii) in subparagraph (D)(iii), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''; and

(iii) in subparagraph (E), by striking ''The elimination'' and inserting ''For a year preceding 2023, the elimination''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2023, the continuation''; and

(ii) in subparagraph (E)—

(I) by inserting ''for a year preceding 2023,'' after ''subsection (c)''; and

(II) by striking ''1860D– 2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''.

(4) Section 1860D–21(d)(7) of the Social Security Act (42 U.S.C. 1395w–131(d)(7)) is amended by striking ''section 1860D–2(b)(4)(B)(i)'' and inserting ''section 1860D–2(b)(4)(C)(i)''.

(5) Section 1860D–22(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–132(a)(2)(A)) is amended—

(A) by striking ''the value of any discount'' and inserting the following: ''the value of—

''(i) for years prior to 2023, any discount'';

(B) in clause (i), as inserted by subparagraph (A) of this paragraph, by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(ii) for 2023 and each subsequent year, any discount provided pursuant to section 1860D–14B.''.

(6) Section 1860D–41(a)(6) of the Social Security Act (42 U.S.C. 1395w–151(a)(6)) is amended—

(A) by inserting ''for a year before 2023'' after ''1860D–2(b)(3)''; and

(B) by inserting ''for such year'' before the period.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to plan year 2023 and subsequent plan years.

SEC. 11012. ALLOWING THE OFFERING OF ADDITIONAL PRESCRIPTION DRUG PLANS UNDER MEDICARE PART D.

(a) RESCINDING AND ISSUANCE OF NEW GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall—

(1) rescind sections of any sub-regulatory guidance that limit the number of prescription drug plans in each PDP region that may be offered by a PDP sponsor under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.); and

(2) issue new guidance specifying that a PDP sponsor may offer up to 4 (or a greater number if determined appropriate by the Secretary) prescription drug plans in each PDP region, except in cases where the PDP sponsor may offer up to 2 additional plans in a PDP region pursuant to section 1860D–11(d)(4) of the Social Security Act (42 U.S.C. 1395w–111(d)(4)), as added by subsection (b).

(b) OFFERING OF ADDITIONAL PLANS.—Section 1860D–11(d) of the Social Security Act (42 U.S.C. 1395w–111(d)) is amended by adding at the end the following new paragraph:

''(4) OFFERING OF ADDITIONAL PLANS.—

''(A) IN GENERAL.—For plan year 2023 and each subsequent plan year, a PDP sponsor may offer up to 2 additional prescription drug plans in a PDP region (in addition to any limit established by the Secretary under this part) provided that the PDP sponsor complies with subparagraph (B) with respect to at least one such prescription drug plan.

''(B) REQUIREMENTS.—In order to be eligible to offer up to 2 additional plans in a PDP region pursuant to subparagraph (A), a PDP sponsor must ensure that, with respect to at least one such prescription drug plan, the sponsor or any entity that provides pharmacy benefits management services under a contract with any such sponsor or plan does not receive direct or indirect remuneration, as defined in section 423.308 of title 42, Code

of Federal Regulations (or any successor regulation), unless at least 25 percent of the aggregate reductions in price or other remuneration received by the PDP sponsor or entity from drug manufacturers with respect to the plan and plan year—

''(i) are reflected at the point-of-sale to the enrollee; or

''(ii) are used to reduce total beneficiary cost-sharing estimated by the PDP sponsor for prescription drug coverage under the plan in the annual bid submitted by the PDP sponsor under section 1860D–11(b).

''(C) DEFINITION OF REDUCTIONS IN PRICE.—For purposes of subparagraph (B), the term 'reductions in price' refers only to collectible amounts, as determined by the Secretary, which excludes amounts which after adjudication and reconciliation with pharmacies and manufacturers are duplicate in nature, contrary to other contractual clauses, or otherwise ineligible (such as due to beneficiary disenrollment or coordination of benefits).''.

(c) RULE OF CONSTRUCTION.—Nothing in the provisions of, or amendments made by, this section shall be construed as limiting the ability of the Secretary to increase any limit otherwise applicable on the number of prescription drug plans that a PDP sponsor may offer, at the discretion of the PDP sponsor, in a PDP region under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.).

SEC. 11013. ALLOWING CERTAIN ENROLLEES OF PRESCRIPTION DRUG PLANS AND MA–PD PLANS UNDER THE MEDICARE PROGRAM TO SPREAD OUT COST-SHARING UNDER CERTAIN CIRCUMSTANCES.

(a) STANDARD PRESCRIPTION DRUG COVERAGE.—Section 1860D–2(b)(2) of the Social Security Act (42 U.S.C. 1395w–102(b)(2)), as amended by section 11011, is amended—

(1) in subparagraph (A), by striking ''Subject to subparagraphs (C) and (D)'' and inserting ''Subject to subparagraphs (C), (D), and (E)''; and

(2) by adding at the end the following new subparagraph:

''(E) ENROLLEE OPTION REGARDING SPREADING COST-SHARING.—

''(i) IN GENERAL.—The Secretary shall establish by regulation a process under which, with respect to plan year 2023 and subsequent plan years, a prescription drug plan or an MA–PD plan shall, in the case of a part D eligible individual enrolled with such plan for such plan year with respect to whom the plan projects that the dispensing of a covered part D drug to such individual will result in the individual incurring costs within a 30-day period that are equal to a significant percentage (as specified by the Secretary pursuant to such regulation) of the annual out-of-pocket threshold specified in paragraph (4)(B) for such plan year, provide such individual with the option to make the coinsurance payment required under subparagraph (A) for such costs in the form of equal monthly installments over the remainder of such plan year.

''(ii) SIGNIFICANT PERCENTAGE LIMITATIONS.—In specifying a significant percentage pursuant to the regulation established by the Secretary under clause (i), the Secretary shall not specify a percentage that is less than 30 percent or greater than 100 percent.''.

(b) ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—Section 1860D–2(c) of the Social Security Act (42 U.S.C. 1395w–102(c)) is amended by adding at the end the following new paragraph:

''(4) SAME ENROLLEE OPTION REGARDING SPREADING COST-SHARING.—For plan year 2023 and subsequent plan years, the coverage provides the enrollee option regarding spreading cost-sharing described in and required under subsection (b)(2)(E).''.

SEC. 11014. CONTINUATION OF PART D SENIOR SAVINGS MODEL.

Section 1115A of the Social Security Act (42 U.S.C. 1315a) is amended by adding at the end the following new subsection:

''(h) PART D SENIOR SAVINGS MODEL.—Notwithstanding any other provision of law, the Secretary shall provide for the continued implementation on a permanent basis of the Part D Senior Savings Model under this section, under the same parameters under which such model was implemented for plan year 2021.''.

SEC. 11015. REQUIRING PRESCRIPTION DRUG PLANS AND MA–PD PLANS TO REPORT POTENTIAL FRAUD, WASTE, AND ABUSE TO THE SECRETARY OF HHS.

Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

''(p) REPORTING POTENTIAL FRAUD, WASTE, AND ABUSE.—Beginning January 1, 2023, the PDP sponsor of a prescription drug plan shall report to the Secretary, as specified by the Secretary—

''(1) any substantiated or suspicious activities (as defined by the Secretary) with respect to the program under this part as it relates to fraud, waste, and abuse; and

''(2) any steps made by the PDP sponsor after identifying such activities to take corrective actions.''.

SEC. 11016. ESTABLISHMENT OF PHARMACY QUALITY MEASURES UNDER MEDICARE PART D.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)) is amended by adding at the end the following new paragraph:

''(8) APPLICATION OF PHARMACY QUALITY MEASURES.—

''(A) IN GENERAL.—A PDP sponsor that implements incentive payments to a pharmacy or price concessions paid by a pharmacy based on quality measures shall use measures established or approved by the Secretary under subparagraph (B) with respect to payment for covered part D drugs dispensed by such pharmacy.

''(B) STANDARD PHARMACY QUALITY MEASURES.—The Secretary shall establish or approve standard quality measures from a consensus and evidence-based organization for payments described in subparagraph (A). Such measures shall focus on patient health outcomes and be based on proven criteria measuring pharmacy performance.

''(C) EFFECTIVE DATE.—The requirement under subparagraph (A) shall take effect for plan years beginning on or after January 1, 2024, or such earlier date specified by the Secretary if the Secretary determines there are sufficient measures established or approved under subparagraph (B) to meet the requirement under subparagraph (A).''.

Subpart C—Medicaid Provisions

SEC. 11021. PRICE REPORTING CLARIFICATIONS FOR GENE THERAPY OUTCOMES-BASED AGREEMENTS.

(a) QUARTERLY PRICE REPORTING OBLIGATION.—Section 1927(b)(3) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) is amended by adding at the end the following new subparagraph:

''(E) OUTCOMES-BASED AGREEMENTS.—

''(i) IN GENERAL.—Beginning January 1, 2023, in the case of a covered outpatient drug that is a single course transformative therapy (as defined in subsection (k)(12)) and is sold under an outcomes-based agreement (as defined in subsection (k)(13)) during a rebate period, the manufacturer of such drug shall report (in addition to any other information required under this paragraph) the pricing structure for such drug based on pre-defined outcomes or measures specified in such outcomes-based agreement.

''(ii) ACCESS TO OUTCOMES-BASED AGREEMENTS FOR STATE PLANS.—As a condition of excluding a refund, rebate, reimbursement, free item, withholding, or repayment made under an outcomes-based agreement with respect to a covered outpatient drug from the best price or average manufacturer price of the drug for a rebate period (as described in subsection (c)(1)(C)(i)(VII) or (k)(1)(B)(i)(VI), as applicable), the manufacturer shall—

''(I) make available to each State plan the opportunity to enter into an outcomes-based agreement for such drug and rebate period; and

''(II) certify to the Secretary that the manufacturer has made such opportunity so available to each State plan.

''(iii) RULES OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as—

''(I) requiring a manufacturer to execute an outcomes-based agreement with a State for a covered outpatient drug that is a single course transformative therapy (as defined in subsection (k)(12)); ;

''(II) precluding the execution of a rebate agreement under this section for such a drug; or

''(III) limiting States' ability to join together for a multi-State contract with a single manufacturer to establish an outcomes-based agreement for such a drug.''.

(b) DEFINITION OF BEST PRICE.—Section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396–8(c)(1)(C)) is amended—

(1) in clause (i)—

(A) in subclause (V), by striking ''and'';

(B) in subclause (VI), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(VII) subject to subsection (b)(3)(E)(ii), with respect to a covered outpatient drug that is a single course transformative therapy (as defined in subsection (k)(12)) and is sold under an outcomes-based agreement (as defined in subsection (k)(13)) during the rebate period, any prices resulting from—

''(aa) a refund, rebate, reimbursement, or free goods from the manufacturer or third party on behalf of the manufacturer; or

''(bb) the withholding or reduction of a payment to the manufacturer or third party on behalf of the manufacturer,

that is triggered by a patient who fails to achieve outcomes or measures defined under the terms of such outcomes-based agreement during the period for which such agreement is effective.''; and

(2) in clause (ii)—

(A) in subclause (I), by striking the semicolon at the end and inserting '', except any price adjustment described in clause (i)(VII);'';

(B) in subclause (III), by striking ''and'';

(C) in subclause (IV)—

(i) by moving the left margin of such subclause 2 ems to the right; and

(ii) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new subclause:

''(V) in the case of a covered outpatient drug that is a single course transformative therapy (as defined in subsection (k)(12)) and is sold under an outcomes-based agreement (as defined in subsection (k)(13)) that provides that payment for such drug is made in installments over the course of such agreement, shall be determined as if the aggregate price per the terms of the agreement was paid in full in the first installment during the rebate period.''.

(c) DEFINITION OF AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)) is amended—

(1) in subparagraph (B)(i)—

(A) in subclause (IV), by striking at the end ''and'';

(B) in subclause (V), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(VI) subject to subsection (b)(3)(E)(ii), with respect to a covered outpatient drug that is a single course transformative therapy (as defined in paragraph (12)) and is sold under an outcomes-based agreement (as defined in paragraph (13)) during the rebate period—

''(aa) a refund, rebate, reimbursement, or free goods from the manufacturer or third party on behalf of the manufacturer; or

''(bb) the withholding or reduction of a payment to the manufacturer or third party on behalf of the manufacturer,

that is triggered by a patient who fails to achieve outcomes or measures defined under the terms of such outcomes-based agreement during the period for which such agreement is effective.''; and

(2) by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR CERTAIN OUTCOMES-BASED AGREEMENTS.—For the purpose of subparagraph (A), in determining the average price paid to the manufacturer for a covered outpatient drug that is a single course transformative therapy (as defined in paragraph (12)) and is sold under an outcomes-based agreement (as defined in paragraph (13)) that provides that payment for such drug is made in installments over the course of such agreement, such price shall be determined as if the aggregate price per the terms of the agreement was paid in full in the first installment during the rebate period.''.

(d) OTHER DEFINITIONS.—Section 1927(k) of the Social Security Act (42 U.S.C. 1396r–8(k)) is amended by adding at the end the following paragraphs:

''(12) SINGLE COURSE TRANSFORMATIVE THERAPY.—The term 'single course transformative therapy' means a treatment that consists of the administration of a covered outpatient drug that—

''(A) is a form of gene therapy, as defined by the Commissioner of Food and Drugs, that is—

''(i) designated under section 526 of the Federal Food, Drug, and Cosmetics Act; and

''(ii) licensed under subsection (a) or (k) of section 351 of the Public Health Service Act for a serious or life-threatening rare disease or condition;

''(B) if administered in accordance with the 'Indications and Usage' section of its label, is expected to result in—

''(i) the cure of such disease or condition;

''(ii) a reduction in the symptoms of such disease or condition to the extent that it is expected to—

''(I) extend life expectancy for those individuals with such disease or condition;

''(II) prevent, eliminate, or halt progression of comorbidities related to such disease or condition in such individuals; or

''(III) allow such individuals to achieve or maintain maximum functional capacity in performing daily activities; or

''(iii) prevention or elimination of episodes, illnesses, injuries, or disabilities related to such disease or condition; and

''(C) is expected to achieve a result described in subparagraph (B), which may be achieved over an extended period of time, following a single prescribed course of treatment.

''(13) OUTCOMES-BASED AGREEMENT.—The term 'outcomes-based agreement' means a written contract between a manufacturer and purchaser in which the aggregate price over the course of the contract of the covered outpatient drug is based on the achievement of pre-defined outcomes or measures and adjusted accordingly.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 11022. ANTI-KICKBACK STATUTE AND PHYSICIAN SELF-REFERRAL SAFE HARBORS.

(a) EXCLUSION FROM ANTIKICKBACK PROHIBITION.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) in subclause (J)—

(A) by moving the left margin of such subparagraph 2 ems to the left; and

(B) by striking ''and'' after the semicolon at the end;

(2) in subclause (K)—

(A) by moving the left margin of such subparagraph 2 ems to the left; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(L) any remuneration provided by a manufacturer or third party on behalf of a manufacturer to a plan under an outcomes-based agreement (as defined in section 1927(k)(13)) in the event a patient fails to achieve outcomes or measures defined in such agreement following the administration of a covered outpatient drug that is a single course transformative therapy (as defined in section 1927(k)(12).''.

(b) EXCLUSION FROM PHYSICIAN SELF-REFERRAL PROHIBITION.—Section 1877(h)(1)(C) of the Social Security Act (42 U.S.C. 1395nn(h)(1)(C)) is amended by adding at the end the following new clause:

''(iv) Any amounts paid under an outcomes-based agreement (as defined in section 1927(k)(13)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 11023. GAO STUDY AND REPORT ON USE OF OUTCOMES-BASED AGREEMENTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the extent to which outcomes-based agreements (as defined in section 1927(k)(13) of the Social Security Act (42 U.S.C. 1396r–8(k)(13)) for rare disease gene therapies facilitate patient access to such therapies, improve patient outcomes, lower overall health system costs, and lower costs for patients in Federal health care programs. In conducting such study, the Comptroller General shall—

(1) study the impact of this subpart on—

(A) mitigating socioeconomic disparities in accessing rare disease gene therapies through its requirement that State Medicaid programs have access to the same outcomes-based agreement remedy terms that are available in the commercial market for the gene therapy; and

(B) the Medicaid Drug Rebate Program, the 340B Drug Pricing Program, and the Medicare Part B program, including compliance with such programs; and

(2) with respect to rare disease gene therapies sold under an outcomes-based agreement (as so defined), conduct an audit of manufacturers offering State Medicaid programs the same remedy terms for non-responding patients as offered to commercial insurance plans during a particular rebate period, as described in subsections (c)(1)(C)(i)(VII) and (k)(1)(B)(i)(VI) of section 1927 of the Social Security Act (42 U.S.C. 1396r–8), as added by this subpart.

(b) REPORT.—Not later than June 30, 2027, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under subsection (a).

PART 2—DRUG PRICE TRANSPARENCY PROVISIONS

SEC. 11101. REPORTING ON EXPLANATION FOR DRUG PRICE INCREASES.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128K the following new section:

''SEC. 1128L. DRUG PRICE REPORTING.

''(a) DEFINITIONS.—In this section:

''(1) MANUFACTURER.—The term 'manufacturer' means the person—

''(A) that holds the application for a drug approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act; or

''(B) who is responsible for setting the wholesale acquisition cost for the drug.

''(2) QUALIFYING DRUG.—The term 'qualifying drug' means any drug that is approved under subsection (c) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under subsection (a) or (k) of section 351 of this Act—

''(A) that has a wholesale acquisition cost of $100 or more, adjusted for inflation occurring after the date of enactment of this section, for a month's supply or a typical course of treatment that lasts less than a month, and is—

''(i) subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act;

''(ii) administered or otherwise dispensed to treat a disease or condition affecting more than 200,000 persons in the United States; and

''(iii) not a vaccine; and

''(B) for which, during the previous calendar year, at least 1 dollar of the total amount of sales were for individuals enrolled under the Medicare program under title XVIII or under a State Medicaid plan under title XIX or under a waiver of such plan.

''(3) WHOLESALE ACQUISITION COST.—The term 'wholesale acquisition cost' has the meaning given that term in section 1847A(c)(6)(B).

''(b) REPORT.—

''(1) REPORT REQUIRED.—The manufacturer of a qualifying drug shall submit a report to the Secretary—

''(A) for each increase in the price of a qualifying drug that results in an increase in the wholesale acquisition cost of that drug that is equal to—

''(i) 10 percent or more within a single calendar year beginning on or after January 1, 2022; or

''(ii) 25 percent or more within three consecutive calendar years for which the first such calendar year begins on or after January 1, 2022; and

''(B) in the case that the qualifying drug is first covered under title XVIII with respect to an applicable year, if the estimated cost or spending under such title per individual or per user of such drug (as estimated by the Secretary) for such applicable year (or per course of treatment in such applicable year, as defined by the Secretary) is at least $26,000.

''(2) REPORT DEADLINE.—Each report described in paragraph (1) shall be submitted to the Secretary—

''(A) in the case of a report with respect to an increase in the price of a qualifying drug that occurs during the period beginning on January 1, 2022, and ending on the day that is 60 days after the date of enactment of this section, not later than 90 days after such date of enactment;

''(B) in the case of a report with respect to an increase in the price of a qualifying drug that occurs after the period described in subparagraph (A), not later than 30 days prior to the planned effective date of such price increase for such qualifying drug; and

''(C) in the case of a report with respect to a qualifying drug that meets the criteria described in paragraph (1)(B), not later than 30 days after such drug meets such criteria.

''(c) CONTENTS.—A report under subsection (b), consistent with the standard for disclosures described in section 213.3(d) of title 12, Code of Federal Regulations (as in effect on the date of enactment of this section), shall, at a minimum, include—

''(1) with respect to the qualifying drug—

''(A) the percentage by which the manufacturer will raise the wholesale acquisition cost of the drug within the calendar year or three consecutive calendar years as described in subsection (b)(1)(A) or (b)(1)(B), if applicable, and the effective date of such price increase;

''(B) an explanation for, and description of, each price increase for such drug that will occur during the calendar year period described in subsection (b)(1)(A) or the three consecutive calendar year period described in subsection (b)(1)(B), as applicable;

''(C) if known and different from the manufacturer of the qualifying drug, the identity of—

''(i) the sponsor or sponsors of any investigational new drug applications under section 505(i) of the Federal Food, Drug, and Cosmetic Act for clinical investigations with respect to such drug, for which the full reports are submitted as part of the application—

''(I) for approval of the drug under section 505 of such Act; or

''(II) for licensure of the drug under section 351 of the Public Health Service Act; and

''(ii) the sponsor of an application for the drug approved under such section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act;

''(D) a description of the history of the manufacturer's price increases for the drug since the approval of the application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act or the issuance of the license for the drug under section 351 of the Public Health Service Act, or since the manufacturer acquired such approved application or license, if applicable;

''(E) the current wholesale acquisition cost of the drug;

''(F) the total expenditures of the manufacturer on—

''(i) materials and manufacturing for such drug; and

''(ii) acquiring patents and licensing for such drug;

''(G) the percentage of total expenditures of the manufacturer on research and development for such drug that was derived from Federal funds;

''(H) the total expenditures of the manufacturer on research and development for such drug that is necessary to demonstrate that it meets applicable statutory standards for approval under section 505 of the Federal Food, Drug, and Cosmetic Act or licensure under section 351 of the Public Health Service Act, as applicable;

''(I) the total expenditures of the manufacturer on pursuing new or expanded indications or dosage changes for such drug under section 505 of the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act;

''(J) the total expenditures of the manufacturer on carrying out postmarket requirements related to such drug, including under section 505(o)(3) of the Federal Food, Drug, and Cosmetic Act;

''(K) the total revenue and the net profit generated from the qualifying drug for each calendar year since the approval of the application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act or the issuance of the license for the drug under section 351 of the Public Health Service Act, or since the manufacturer acquired such approved application or license; and

''(L) the total costs associated with marketing and advertising for the qualifying drug;

''(2) with respect to the manufacturer—

''(A) the total revenue and the net profit of the manufacturer for each of the 1-year period described in subsection (b)(1)(A) or the 3-year period described in subsection (b)(1)(B), as applicable;

''(B) all stock-based performance metrics used by the manufacturer to determine executive compensation for each of the 1-year period described in subsection (b)(1)(A) or the 3-year period described in subsection (b)(1)(B), as applicable; and

''(C) any additional information the manufacturer chooses to provide related to drug pricing decisions, such as total expenditures on—

''(i) drug research and development; or

''(ii) clinical trials, including on drugs that failed to receive approval by the Food and Drug Administration; and

''(3) such other related information as the Secretary considers appropriate and as specified by the Secretary through notice-and-comment rulemaking.

''(d) INFORMATION PROVIDED.—The manufacturer of a qualifying drug that is required to submit a report under subsection (b), shall ensure that such report and any explanation for, and description of, each price increase described in subsection (c)(1)(B) shall be truthful, not misleading, and accurate.

''(e) CIVIL MONETARY PENALTY.—Any manufacturer of a qualifying drug that fails to submit a report for the drug as required by this section, following notification by the Secretary to the manufacturer that the manufacturer is not in compliance with this section, shall be subject to a civil monetary penalty of $75,000 for each day on which the violation continues.

''(f) FALSE INFORMATION.—Any manufacturer that submits a report for a drug as required by this section that knowingly provides false information in such report is subject to a civil monetary penalty in an amount not to exceed $75,000 for each item of false information.

''(g) PUBLIC POSTING.—

''(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall post each report submitted under subsection (b) on the public website of the Department of Health and Human Services the day the price increase of a qualifying drug is scheduled to go into effect.

''(2) FORMAT.—In developing the format in which reports will be publicly posted under paragraph (1), the Secretary shall consult with stakeholders, including beneficiary groups, and shall seek feedback from consumer advocates and readability experts on the format and presentation of the content of such reports to ensure that such reports are—

''(A) user-friendly to the public; and

''(B) written in plain language that consumers can readily understand.

''(3) PROTECTED INFORMATION.—Nothing in this section shall be construed to authorize the public disclosure of information submitted by a manufacturer that is prohibited from disclosure by applicable laws concerning the protection of trade secrets, commercial information, and other information covered under such laws.

''(h) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall submit to Congress, and post on the public website of the Department of Health and Human Services in a way that is user-friendly to the public and written in plain language that consumers can readily understand, an annual report—

''(A) summarizing the information reported pursuant to this section;

''(B) including copies of the reports and supporting detailed economic analyses submitted pursuant to this section;

''(C) detailing the costs and expenditures incurred by the Department of Health and Human Services in carrying out this section; and

''(D) explaining how the Department of Health and Human Services is improving consumer and provider information about drug value and drug price transparency.

''(2) PROTECTED INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information submitted by a manufacturer that is prohibited from disclosure by applicable laws concerning the protection of trade secrets, commercial information, and other information covered under such laws.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 11102. PUBLIC DISCLOSURE OF DRUG DISCOUNTS.

Section 1150A of the Social Security Act (42 U.S.C. 1320b–23) is amended—

(1) in subsection (c), in the matter preceding paragraph (1), by inserting ''(other than as permitted under subsection (e))'' after ''disclosed by the Secretary''; and

(2) by adding at the end the following new subsection:

''(e) PUBLIC AVAILABILITY OF CERTAIN INFORMATION.—

''(1) IN GENERAL.—In order to allow the comparison of PBMs' ability to negotiate rebates, discounts, direct and indirect remuneration fees, administrative fees, and price concessions and the amount of such rebates, discounts, direct and indirect remuneration fees, administrative fees, and price concessions that are passed through to plan sponsors, beginning January 1, 2023, the Secretary shall make available on the internet website of the Department of Health and Human Services the information with respect to the second preceding calendar year provided to the Secretary on generic dispensing rates (as described in paragraph (1) of subsection (b)) and information provided to the Secretary under paragraphs (2) and (3) of such subsection that, as determined by the Secretary, is with respect to each PBM.

''(2) AVAILABILITY OF DATA.—In carrying out paragraph (1), the Secretary shall ensure the following:

''(A) CONFIDENTIALITY.—The information described in such paragraph is displayed in a manner that prevents the disclosure of information, with respect to an individual drug or an individual plan, on rebates, discounts, direct and indirect remuneration fees, administrative fees, and price concessions.

''(B) CLASS OF DRUG.—The information described in such paragraph is made available by class of drug, using an existing classification system, but only if the class contains such number of drugs, as specified by the Secretary (but not fewer than three drugs), to ensure confidentiality of proprietary information or other information that is prevented to be disclosed under subparagraph (A).''.

SEC. 11102. MAKING PRESCRIPTION DRUG MARKETING SAMPLE INFORMATION REPORTED BY MANUFACTURERS AVAILABLE TO CERTAIN INDIVIDUALS AND ENTITIES.

(a) IN GENERAL.—Section 1128H of the Social Security Act (42 U.S.C. 1320a–7i) is amended—

(1) by redesignating subsection (b) as subsection (e); and

(2) by inserting after subsection (a) the following new subsections:

''(b) DATA SHARING AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall enter into agreements with the specified data sharing individuals and entities described in paragraph (2) under which—

''(A) upon request of such an individual or entity, as applicable, the Secretary makes available to such individual or entity the information submitted under subsection (a) by manufacturers and authorized distributors of record; and

''(B) such individual or entity agrees to not disclose publicly or to another individual or entity any information that identifies a particular practitioner or health care facility.

''(2) SPECIFIED DATA SHARING INDIVIDUALS AND ENTITIES.—For purposes of paragraph (1), the specified data sharing individuals and entities described in this paragraph are the following:

''(A) OVERSIGHT AGENCIES.—Health oversight agencies (as defined in section 164.501 of title 45, Code of Federal Regulations), including the Centers for Medicare & Medicaid Services, the Office of the Inspector General of the Department of Health and Human Services, the Government Accountability Office, the Congressional Budget Office, the Medicare Payment Advisory Commission, and the Medicaid and CHIP Payment and Access Commission.

''(B) RESEARCHERS.—Individuals who conduct scientific research (as defined in section 164.501 of title 45, Code of Federal Regulations) in relevant areas as determined by the Secretary.

''(C) PAYERS.—Private and public health care payers, including group health plans, health insurance coverage offered by health insurance issuers, Federal health programs, and State health programs.

''(3) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Except as described in paragraph (1), the Secretary may not be compelled to disclose the information submitted under subsection (a) to any individual or entity. For purposes of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section.

''(c) PENALTIES.—

''(1) DATA SHARING AGREEMENTS.—Subject to paragraph (3), any specified data sharing individual or entity described in subsection (b)(2) that violates the terms of a data sharing agreement the individual or entity has with the Secretary under subsection (b)(1) shall be subject to a civil money penalty of not less than $1,000, but not more than $10,000, for each such violation. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.

''(2) FAILURE TO REPORT.—Subject to paragraph (3), any manufacturer or authorized distributor of record of an applicable drug under subsection (a) that fails to submit information required under such subsection in a timely manner in accordance with rules or regulations promulgated to carry out such subsection shall be subject to a civil money penalty of not less than $1,000, but not more than $10,000, for each such failure. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.

''(3) LIMITATION.—The total amount of civil money penalties imposed under paragraph (1) or (2) with respect to a year and an individual or entity described in paragraph (1) or a manufacturer or distributor described in paragraph (2), respectively, shall not exceed $150,000.

''(d) DRUG SAMPLE DISTRIBUTION INFORMATION.—

''(1) IN GENERAL.—Not later than January 1 of each year (beginning with 2023), the Secretary shall maintain a list containing information related to the distribution of samples of applicable drugs. Such list shall provide the following information with respect to the preceding year:

''(A) The name of the manufacturer or authorized distributor of record of an applicable drug for which samples were requested or distributed under this section.

''(B) The quantity and class of drug samples requested.

''(C) The quantity and class of drug samples distributed.

''(2) PUBLIC AVAILABILITY.—The Secretary shall make the information in such list available to the public on the internet website of the Food and Drug Administration.''.

(b) FDA MAINTENANCE OF INFORMATION.—The Food and Drug Administration shall maintain information available to affected reporting companies to ensure their ability to fully comply with the requirements of section 1128H of the Social Security Act.

(c) PROHIBITION ON DISTRIBUTION OF SAMPLES OF OPIOIDS.—Section 503(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(d)) is amended—

(1) by moving the margin of paragraph (4) 2 ems to the left; and

(2) by adding at the end the following:

''(5) No person may distribute a drug sample of a drug that is—

''(A) an applicable drug (as defined in section 1128H(e) of the Social Security Act);

''(B) a controlled substance (as defined in section 102 of the Controlled Substances Act) for which the findings required under section 202(b)(2) of such Act have been made; and

''(C) approved under section 505 for use in the management or treatment of pain (other than for the management or treatment of a substance use disorder).''.

(d) MEDPAC REPORT.—Not later than 3 years after the date of the enactment of this Act, the Medicare Payment Advisory Commission shall conduct a study on the impact of drug samples on provider prescribing practices and health care costs and may, as the Commission deems appropriate, make recommendations on such study.

SEC. 11104. SENSE OF THE SENATE REGARDING THE NEED TO EXPAND COMMERCIALLY AVAILABLE DRUG PRICING COMPARISON PLATFORMS.

It is the sense of the Senate that—

(1) commercially available drug pricing comparison platforms can, at no cost, help patients find the lowest price for their medications at their local pharmacy;

(2) such platforms should be integrated, to the maximum extent possible, in the health care delivery ecosystem; and

(3) pharmacy benefit managers should work to disclose generic and brand name drug prices to such platforms to ensure that—

(A) patients can benefit from the lowest possible price available to them; and

(B) overall drug prices can be reduced as more educated purchasing decisions are made based on price transparency.

PART 3—REVENUE PROVISION

SEC. 11201. INCLUSION OF INSULIN AND OTHER TREATMENTS FOR CHRONIC CONDITIONS AS PREVENTIVE CARE.

(a) IN GENERAL.—Subparagraph (C) of section 223(c)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''DEDUCTIBLE.—A plan'' and inserting ''DEDUCTIBLE.—

''(i) IN GENERAL.—A plan'', and

(2) by adding at the end the following new clause:

''(ii) SPECIAL RULE.—The term 'preventive care' includes such drugs (including insulin), devices, supplies, and medical services or screenings prescribed for the prevention or avoidance of a disease or condition, or the regular treatment and maintenance of a chronic disease or condition, as are determined by the Secretary, in consultation with the Secretary of Health and Human Services, to be—

''(I) low in cost,

''(II) supported by medical evidence to have a high cost efficiency in preventing exacerbation of a chronic condition or the development of a secondary condition, and

''(III) likely (as documented by clinical evidence), when prescribed for a class of individuals, to prevent exacerbation of the chronic condition of such individuals or the development of a secondary condition requiring significantly higher cost treatments.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) TREASURY GUIDANCE IN EFFECT ON DATE OF ENACTMENT.—

(A) IN GENERAL.—No inference shall be drawn by reason of the amendments made by this Act with respect to the effectiveness of the provisions of Internal Revenue Service Notice 2019-45 on the date of the enactment of this Act, and such notice shall continue to apply as in effect on July 17, 2019, unless amended by the Secretary of the Treasury (or the Secretary's delegate) pursuant to the amendments made by this Act or pursuant to subparagraph (B).

(B) CONTINUED PUBLICATION AND UPDATE OF LIST.—

(i) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) may publish, and update from time to time as such Secretary (or delegate) deems appropriate, a list of the drugs, devices, supplies, and services identified under section 223(c)(2)(C)(ii) of the Internal Revenue Code of 1986, in consultation with the Secretary of Health and Human Services (or such Secretary's delegate), as preventive care.

(ii) INCLUSION OF CERTAIN DIABETIC SUPPLIES.—As soon as practicable after the date of the enactment of this Act, the list in effect under Internal Revenue Service Notice 2019-45 shall be amended to include insulin delivery devices and related supplies, and continuous glucose monitoring systems and related supplies.

PART 4—OTHER PROVISIONS

SEC. 11301. IMPROVING COORDINATION BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE CENTERS FOR MEDICARE & MEDICAID SERVICES.

(a) IN GENERAL.—

(1) PUBLIC MEETING.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall convene a public meeting for the purposes of discussing and providing input on improvements to coordination between the Food and Drug Administration and the Centers for Medicare & Medicaid Services in preparing for the availability of novel medical products described in subsection (c) on the market in the United States.

(B) ATTENDEES.—The public meeting shall include—

(i) representatives of relevant Federal agencies, including representatives from each of the medical product centers within the Food and Drug Administration and representatives from the coding, coverage, and payment offices within the Centers for Medicare & Medicaid Services;

(ii) stakeholders with expertise in the research and development of novel medical products, including manufacturers of such products;

(iii) representatives of commercial health insurance payers;

(iv) stakeholders with expertise in the administration and use of novel medical products, including physicians; and

(v) stakeholders representing patients and with expertise in the utilization of patient experience data in medical product development.

(C) TOPICS.—The public meeting shall include a discussion of—

(i) the status of the drug and medical device development pipeline related to the availability of novel medical products;

(ii) the anticipated expertise necessary to review the safety and effectiveness of such products at the Food and Drug Administration and current gaps in such expertise, if any;

(iii) the expertise necessary to make coding, coverage, and payment decisions with respect to such products within the Centers for Medicare & Medicaid Services, and current gaps in such expertise, if any;

(iv) trends in the differences in the data necessary to determine the safety and effectiveness of a novel medical product and the data necessary to determine whether a novel medical product meets the reasonable and necessary requirements for coverage and payment under title XVIII of the Social Security Act pursuant to section 1862(a)(1)(A) of such Act (42 U.S.C. 1395y(a)(1)(A));

(v) the availability of information for sponsors of such novel medical products to meet each of those requirements; and

(vi) the coordination of information related to significant clinical improvement over existing therapies for patients between the Food and Drug Administration and the Centers for Medicare & Medicaid Services with respect to novel medical products.

(D) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—No information discussed as a part of the public meeting under this paragraph shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code.

(2) IMPROVING TRANSPARENCY OF CRITERIA FOR MEDICARE COVERAGE.—

(A) DRAFT GUIDANCE.—Not later than 18 months after the public meeting under paragraph (1), the Secretary shall update the final guidance titled ''National Coverage Determinations with Data Collection as a Condition of Coverage: Coverage with Evidence Development'' to address any opportunities to improve the availability and coordination of information as described in clauses (iv) through (vi) of paragraph (1)(C).

(B) FINAL GUIDANCE.—Not later than 12 months after issuing draft guidance under subparagraph (A), the Secretary shall finalize the updated guidance to address any such opportunities.

(b) REPORT ON CODING, COVERAGE, AND PAYMENT PROCESSES UNDER MEDICARE FOR NOVEL MEDICAL PRODUCTS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall publish a report on the internet website of the Department of Health and Human Services regarding processes under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) with respect to the coding, coverage, and payment of novel medical products described in subsection (c). Such report shall include the following:

(1) A description of challenges in the coding, coverage, and payment processes under the Medicare program for novel medical products.

(2) Recommendations to—

(A) incorporate patient experience data (such as the impact of a disease or condition on the lives of patients and patient treatment preferences) into the coverage and payment processes within the Centers for Medicare & Medicaid Services;

(B) decrease the length of time to make national and local coverage determinations under the Medicare program (as those terms are defined in subparagraph (A) and (B), respectively, of section 1862(l)(6) of the Social Security Act (42 U.S.C. 1395y(l)(6)));

(C) streamline the coverage process under the Medicare program and incorporate input from relevant stakeholders into such coverage determinations; and

(D) identify potential mechanisms to incorporate novel payment designs similar to those in development in commercial insurance plans and State plans under title XIX of such Act (42 U.S.C. 1396 et seq.) into the Medicare program.

(c) NOVEL MEDICAL PRODUCTS DESCRIBED.—For purposes of this section, a novel medical product described in this subsection is a medical product, including a drug, biological (including gene and cell therapy), or medical device, that has been designated as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), a breakthrough device under section 515B of such Act (21 U.S.C. 360e–3), or a regenerative advanced therapy under section 506(g) of such Act (21 U.S.C. 356(g)).

SEC. 11302. PATIENT CONSULTATION IN MEDICARE NATIONAL AND LOCAL COVERAGE DETERMINATIONS IN ORDER TO MITIGATE BARRIERS TO INCLUSION OF SUCH PERSPECTIVES.

Section 1862(l) of the Social Security Act (42 U.S.C. 1395y(l)) is amended by adding at the end the following new paragraph:

''(7) PATIENT CONSULTATION IN NATIONAL AND LOCAL COVERAGE DETERMINATIONS.—The Secretary may consult with patients and organizations representing patients in making national and local coverage determinations.''.

SEC. 11303. MEDPAC REPORT ON SHIFTING COVERAGE OF CERTAIN MEDICARE PART B DRUGS TO MEDICARE PART D.

(a) STUDY.—The Medicare Payment Advisory Commission (in this section referred to as the ''Commission'') shall conduct a study on shifting coverage of certain drugs and biologicals for which payment is currently made under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) to part D of such title (42 U.S.C. 1395w–21 et seq.). Such study shall include an analysis of—

(1) differences in program structures and payment methods for drugs and biologicals covered under such parts B and D, including effects of such a shift on program spending, beneficiary cost-sharing liability, and utilization management techniques for such drugs and biologicals; and

(2) the feasibility and policy implications of shifting coverage of drugs and biologicals for which payment is currently made under such part B to such part D.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2024, the Commission shall submit to Congress a report containing the results of the study conducted under subsection (a).

(2) CONTENTS.—The report under paragraph (1) shall include information, and recommendations as the Commission deems appropriate, regarding—

(A) formulary design under such part D;

(B) the ability of the benefit structure under such part D to control total spending on drugs and biologicals for which payment is currently made under such part B;

(C) changes to the bid process under such part D, if any, that may be necessary to integrate coverage of such drugs and biologicals into such part D;

(D) any other changes to the program that Congress should consider in determining whether to shift coverage of such drugs and biologicals from such part B to such part D; and

(E) the feasibility and policy implications of creating a methodology to preserve the healthcare provider's ability to take title of the drug, including a methodology under which—

(i) prescription drug plans negotiate reimbursement rates and other arrangements with drug manufacturers on behalf of a wholesaler;

(ii) wholesalers purchase the drugs from the manufacturers at the negotiated rate and ship them through distributors to physicians to administer to patients;

(iii) physicians and hospitals purchase the drug from the wholesaler via the distributor;

(iv) after administering the drug, the physician submits a claim to the MAC for their drug administration fee;

(v) to be reimbursed for the purchase of the drug from the distributor, the physician furnishes the claim for the drug itself to the wholesaler and the wholesaler would refund the cost of the drug to the physician; and

(vi) the wholesaler passes this claim to the PDP to receive reimbursement.

SEC. 11304. AUTHORITY TO REQUIRE THAT DIRECT-TO-CONSUMER ADVERTISEMENTS FOR PRESCRIPTION DRUGS AND BIOLOGICAL PRODUCTS INCLUDE TRUTHFUL AND NON-MISLEADING PRICING INFORMATION.

Part A of title XI of the Social Security Act is amended by adding at the end the following new section:

''SEC. 1150D. AUTHORITY TO REQUIRE THAT DIRECT-TO-CONSUMER ADVERTISEMENTS FOR PRESCRIPTION DRUGS AND BIOLOGICAL PRODUCTS INCLUDE TRUTHFUL AND NON-MISLEADING PRICING INFORMATION.

''(a) IN GENERAL.—The Secretary may require that each direct-to-consumer advertisement for a prescription drug or biological product for which payment is available under title XVIII or XIX includes an internet website address that provides an appropriate disclosure of truthful and non-misleading pricing information with respect to the drug or product.

''(b) DETERMINATION BY CMS.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall determine the components of the requirement under subsection (a), such as the forms of advertising, the manner of disclosure, the price point listing, and the price information for disclosure.''.

SEC. 11305. CHIEF PHARMACEUTICAL NEGOTIATOR AT THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) IN GENERAL.—Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) is amended—

(1) in subsection (b)(2)—

(A) by striking ''and one Chief Innovation and Intellectual Property Negotiator'' and inserting ''one Chief Innovation and Intellectual Property Negotiator, and one Chief Pharmaceutical Negotiator'';

(B) by striking ''or the Chief Innovation and Intellectual Property Negotiator'' and inserting ''the Chief Innovation and Intellectual Property Negotiator, or the Chief Pharmaceutical Negotiator''; and

(C) by striking ''and the Chief Innovation and Intellectual Property Negotiator'' and inserting ''the Chief Innovation and Intellectual Property Negotiator, and the Chief Pharmaceutical Negotiator''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(7) The principal function of the Chief Pharmaceutical Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States pharmaceutical products and services. The Chief Pharmaceutical Negotiator shall be a vigorous advocate on behalf of United States pharmaceutical interests. The Chief Pharmaceutical Negotiator shall perform such other functions as the United States Trade Representative may direct.''.

(b) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by striking ''Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative.'' and inserting the following:

''Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative.

''Chief Pharmaceutical Negotiator, Office of the United States Trade Representative.''.

(c) REPORT REQUIRED.—Not later than the date that is one year after the appointment of the first Chief Pharmaceutical Negotiator pursuant to paragraph (2) of section 141(b) of the Trade Act of 1974, as amended by subsection (a), and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing in detail—

(1) enforcement actions taken by the United States Trade Representative during the 1-year period preceding the submission of the report to ensure the protection of United States pharmaceutical products and services; and

(2) other actions taken by the United States Trade Representative to advance United States pharmaceutical products and services.

SA 5480. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

At the appropriate place, insert the following:

SEC. _____. PUBLIC HEALTH AND BORDER SECURITY.

(a) SHORT TITLE.—This section may be cited as the ''Public Health and Border Security Act of 2022''.

(b) TERMINATION OF SUSPENSION OF ENTRIES AND IMPORTS FROM DESIGNATED PLACES RELATED TO THE COVID–19 PANDEMIC.—

(1) IN GENERAL.—An order of suspension issued under section 362 of the Public Health Service Act (42 U.S.C. 265) as a result of the public health emergency relating to the Coronavirus Disease 2019 (COVID-19) pandemic declared under section 319 of such Act (42 U.S.C. 247d) on January 31, 2020, and any continuation of such declaration (including the continuation described in Proclamation 9994 on February 24, 2021), shall be lifted not earlier than 60 days after the date on which the Surgeon General provides written notification to the appropriate authorizing and appropriating committees of Congress that such public health emergency declaration (including the continuation described in Proclamation 9994 on February 24, 2021) have been terminated.

(2) PROCEDURES DURING 60-DAY TERMINATION WINDOW.—

(A) PLAN.—Not later than 30 days after the date on which a written notification is provided under paragraph (1) with respect to an order of suspension, the Surgeon General, in consultation with the Secretary of Homeland Security, and the head of any other Federal agency, State, local or Tribal government, or nongovernmental organization that has a role in managing outcomes associated with the suspension, as determined by the Surgeon General (or the designee of the Surgeon General), shall develop and submit to the appropriate committees of Congress, a plan to address any possible influx of entries or imports, as defined in such order of suspension, related to the termination of such order.

(B) FAILURE TO SUBMIT.—If a plan under subparagraph (A) is not submitted to the appropriate committees of Congress within the 30-day period described in such subparagraph, not later than 7 days after the expiration of such 30-day period, the Secretary shall notify the appropriate committees of Congress, in writing, of the status of preparing such a plan and the timing for submission as required under subparagraph (A). The termination of order related to such plan shall be delayed until that date that is 30 days after the date on which such plan is submitted to such committees.

SA 5481. Mr. BARRASSO (for himself and Mr. MARSHALL) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle B of title I, add the following:

SEC. 11005. REBATE BY MANUFACTURERS FOR SELECTED DRUGS AND BIOLOGICAL SUBJECT TO MAXIMUM FAIR PRICE NEGOTIATION.

(a) MAINTAINING PAYMENTS UNDER PART B BASED ON ASP+6.—Section 11001(b)(1) of this Act is amended by striking subparagraph (A).

(b) REBATE BY MANUFACTURERS FOR SELECTED DRUGS AND BIOLOGICALS SUBJECT TO MAXIMUM FAIR PRICE NEGOTIATION.—

(1) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a), as amended by section 11101, is amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following new subsection:

''(j) REBATE BY MANUFACTURERS FOR SELECTED DRUGS AND BIOLOGICALS SUBJECT TO MAXIMUM FAIR PRICE NEGOTIATION.—

''(1) REQUIREMENTS.—

''(A) SECRETARIAL PROVISION OF INFORMATION.—Not later than 6 months after the end of each calendar quarter beginning on or after the first day of the initial price applicability period (as defined in section 1191(b)(2)), the Secretary shall, for each selected drug (as defined in section 1192(c)) of each manufacturer with an agreement under section 1193 for which a maximum fair price is in effect and for which payment may be made under this part, report to each manufacturer of such selected drug the following for such calendar quarter during such price applicability period:

''(i) Information on the total number of units of the billing and payment code for such selected drug furnished under this part during such calendar quarter.

''(ii) Information on the sum of—

''(I) the amount (if any) by which—

''(aa) the ASP+6 payment amount (as defined in paragraph (5)) for such drug and calendar quarter, less the ASP+6 coinsurance amount for such drug and calendar quarter; exceeds

''(bb) the MFP+6 payment amount (as so defined) for such drug and calendar quarter, less the MFP+6 coinsurance amount for such drug and calendar quarter; and

''(II) the amount (if any) by which—

''(aa) the ASP+6 coinsurance amount (as defined in paragraph (5)) for such drug and calendar quarter; exceeds

''(bb) the MFP+6 coinsurance amount (as so defined) for such drug and calendar quarter.

''(iii) The rebate amount specified under subparagraph (B) for such drug and calendar quarter.

''(B) MANUFACTURER REQUIREMENT.—For each calendar quarter beginning on or after the first day of the price applicability period, the manufacturer of a selected drug shall, for such drug, not later than 30 days after the date of receipt from the Secretary of the information described in subparagraph (A) for such calendar quarter, provide to the Secretary a rebate that is equal to the amount specified in subparagraph (A)(ii) multiplied by the number of units specified in subparagraph (A)(i) for such drug for such calendar quarter. The rebate required under this subparagraph shall be in addition to any other rebates required under this title or title XIX, including the payments required under subsections (h) and (i).

''(2) CALCULATION OF BENEFICIARY COINSURANCE BASED ON MFP+6.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of a selected drug with respect to which a rebate is paid under this subsection—

''(i) the amount of any coinsurance applicable under this part to an individual to whom such drug is furnished during a calendar quarter shall be equal to the MFP+6 coinsurance amount; and

''(ii) the amount of such coinsurance for such calendar quarter shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under subsection (b)(1)(B).

''(B) CLARIFICATION REGARDING APPLICATION OF INFLATION REBATE.—If a rebate is required under subsection (i) with respect to a selected drug for a calendar quarter, the lesser of the amount of coinsurance computed under subparagraph (A) or the coinsurance computed under subsection (i)(5) shall apply for such drug and calendar quarter.

''(3) REBATE DEPOSITS.—Amounts paid as rebates under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(4) CIVIL MONEY PENALTY.—The civil money penalty established under paragraph (7) of subsection (i) shall apply to the failure to comply with this subsection in the same manner as such penalty applies to failures to comply with the requirements under paragraph (1)(B) of subsection (i).

''(5) DEFINITIONS.—In this subsection, with respect to a selected drug for a calendar quarter during a price applicability period:

''(A) ASP+6 COINSURANCE AMOUNT.—The 'ASP+6 coinsurance amount' is equal to 20 percent of the ASP+6 payment amount.

''(B) ASP+6 PAYMENT AMOUNT.—The 'ASP+6 payment amount' is equal to 106 percent of the amount determined under paragraph (4) of subsection (b) for such drug during such calendar quarter.

''(C) MFP+6 COINSURANCE AMOUNT.—The 'MFP+6 coinsurance amount' is equal to 20 percent of the MFP+6 payment amount.

''(D) MFP+6 PAYMENT AMOUNT.—The 'MFP+6 payment amount' is equal to 106 percent of the maximum fair price (as defined in section 1191(c)(2)) applicable for such drug during such calendar quarter.

''(6) CLARIFICATION.—Nothing in part E of title XI or this subsection shall be construed to require a manufacturer to provide selected drugs at maximum fair prices other than through the rebate required under this subsection.''.

(2) AMOUNTS PAYABLE; COST-SHARING.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 11101(b), is amended—

(A) in subparagraph (G), by striking ''subsection (i)(9)'' and inserting ''paragraphs (9) and (10) of subsection (i)'';

(B) in subparagraph (S), by striking ''subparagraph (EE)'' and inserting ''subparagraphs (EE) and (FF)'';

(C) by striking ''and (EE)'' and inserting ''(EE)''; and

(D) by inserting before the semicolon at the end the following: '', and (FF) with respect to a selected drug (as defined in section 1192(c)) that is subject to a rebate under section 1847A(j), the amounts paid shall be equal to the percent of the payment amount otherwise determined under section 1847A(b)(1)(B) that equals the difference between (i) 100 percent, and (ii) the percent applied under section 1847A(j)(2)(A)(ii)''.

(3) ASC CONFORMING AMENDMENTS.—Section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) is amended by adding at the end the following new paragraph:

''(10) In the case of a selected drug (as defined in section 1192(c)), subject to a rebate under section 1847A(j) for which payment under this subsection is not packaged into a payment for a service furnished on or after the initial price applicability year for the selected drug under the revised payment system under this subsection, in lieu of calculation of coinsurance and the amount of payment otherwise applicable under this subsection, the provisions of section 1847(j)(2) and paragraph (1)(FF) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1847A(j)(2) and subsection (a) apply under such section and subsection.''.

(4) OPPS CONFORMING AMENDMENT.—Section 1833(t)(8) of the Social Security Act (42 U.S.C. 1395l(t)(8)) is amended by adding at the end the following new subparagraph:

''(G) SELECTED DRUGS SUBJECT TO REBATE.—In the case of a selected drug (as defined in section 1192(c)), subject to a rebate under section 1847A(j) for which payment under this subsection is not packaged into a payment for a covered OPD service (or group of services) furnished on or after the initial price applicability year for the selected drug, and the payment for such drug is the same as the amount for a calendar quarter under section 1847A(b)(1)(B), under the system under this subsection, in lieu of the calculation of the copayment amount and the amount otherwise applicable under this subsection (other than the application of the limitation described in subparagraph (C)), the provisions of section 1847A(j)(2) and paragraph (1)(FF) of subsection (a), shall, as determined by the Secretary apply under this section in the same manner as such provisions of section 1847A(j)(2) and subsection (a) apply under such section and subsection.''.

(5) EXCLUSION OF SELECTED DRUG MFP REBATES FROM ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)), as amended by section 11101(c)(1) and 11102(b)(1), is amended by striking ''subsection (i)'' and inserting ''subsection (i), subsection (j)''.

(6) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURES.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)), as amended by section 11101(c)(3) and 11102(b)(3), is amended by striking ''and the rebate'' and inserting ''and the rebates''.

(7) PROVISION OF REBATES.—Section 1193(a) of the Social Security Act, as added by section 11001, is amended—

(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) by paying rebates in accordance with section 1847A(j);''.

(B) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) by paying rebates in accordance with section 1847A(j);''.

(C) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) by paying rebates in accordance with section 1847A(j);''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1847(i)(5) of the Social Security Act, as added by section 11101, is amended, in the matter preceding subparagraph (A)—

(A) by striking ''In the case'' and inserting ''Subsection to subsection (j)(2)(B), in the case''; and

(B) by striking ''(or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)), the payment amount described in subsection (b)(1)(B) for such drug)''; and

(2) Section 1833(a)(1)(EE) of the Social Security Act, as added by section 11101, is amended—

(A) by striking ''(or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c) for which, the payment amount described in section 1847A(b)(1)(B))''; and

(B) by striking ''or section 1847A(b)(1)(B), as applicable,''.

SA 5482. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 5 of subtitle B of title I, add the following:

SEC. 11406. FIDUCIARY DUTY OF PHARMACY BENEFIT MANAGERS UNDER MEDICARE PART D.

(a) PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(8) FIDUCIARY DUTY OF PHARMACY BENEFIT MANAGERS.—

''(A) IN GENERAL.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall provide that any pharmacy benefit manager (or affiliate, subsidiary, or agent of a pharmacy benefit manager), acting as a third-party to such sponsor, has a fiduciary duty of good faith and fair dealing towards the Secretary.

''(B) PROVISION OF INFORMATION.—A PDP sponsor and a pharmacy benefit manager (or affiliate, subsidiary, or agency of a pharmacy benefit manager), acting as a third-party to such sponsor, shall furnish to the Secretary (in a time and manner specified by the Secretary) such information as the Secretary determines necessary to carry out this paragraph.

''(C) CONFIDENTIAL AND TRADE SECRET INFORMATION.—This paragraph does not authorize the disclosure of any trade secret, confidential commercial or financial information, or other matter described in section 552(b) of title 5.''.

(b) MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

''(E) FIDUCIARY DUTY OF PHARMACY BENEFIT MANAGERS.—Section 1860D–12(b)(8).''.

SA 5483. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle E—Additional Proscription Drug Provisions

PART 1—MEDICARE

Subpart A—Part B

SEC. 14001. INCLUSION OF VALUE OF COUPONS IN DETERMINATION OF AVERAGE SALES PRICE FOR DRUGS AND BIOLOGICALS UNDER MEDICARE PART B.

Section 1847A(c) of the Social Security Act (42 U.S.C. 1395w–3a(c)) is amended—

(1) in paragraph (3)—

(A) by striking ''DISCOUNTS.—In calculating'' and inserting ''DISCOUNTS TO PURCHASERS AND COUPONS PROVIDED TO PRIVATELY INSURED INDIVIDUALS.—

''(A) DISCOUNTS TO PURCHASERS.—In calculating''; and

(B) by adding at the end the following new subparagraph:

''(B) COUPONS PROVIDED TO REDUCE COST-SHARING.—For calendar quarters beginning on or after July 1, 2024, in calculating the manufacturer's average sales price under this subsection, such price shall include the value (as defined in paragraph (6)(J)) of any coupons provided under a drug coupon program of a manufacturer (as those terms are defined in subparagraphs (K) and (L), respectively, of paragraph (6)).''; and

(2) in paragraph (6), by adding at the end the following new subparagraphs:

''(J) VALUE.—The term 'value' means, with respect to a coupon (as defined in subparagraph (K)), the difference, if any, between—

''(i) the amount of any reduction or elimination of cost-sharing or other out-of-pocket costs described in such subparagraph to a patient as a result of the use of such coupon; and

''(ii) any charge to the patient for the use of such coupon.

''(K) COUPON.—The term 'coupon' means any financial support that is provided to a patient, either directly to the patient or indirectly to the patient through a physician, prescriber, pharmacy, or other provider, under a drug coupon program of a manufacturer (as defined in subparagraph (L)) that is used to reduce or eliminate cost-sharing or other out-of-pocket costs of the patient, including costs related to a deductible, coinsurance, or copayment, with respect to a drug or biological, including a biosimilar biological product, of the manufacturer.

''(L) DRUG COUPON PROGRAM.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'drug coupon program' means, with respect to a manufacturer, a program through which the manufacturer provides coupons to patients as described in subparagraph (K).

''(ii) EXCLUSIONS.—Such term does not include—

''(I) a patient assistance program operated by a manufacturer that provides free or discounted drugs or biologicals, including biosimilar biological products, (through in-kind donations) to patients of low income; or

''(II) a contribution by a manufacturer to a nonprofit or Foundation that provides free or discounted drugs or biologicals, including biosimilar biological products, (through in-kind donations) to patients of low income.''.

SEC. 14002. IMPROVEMENTS TO MEDICARE SITE-OF-SERVICE TRANSPARENCY.

Section 1834(t) of the Social Security Act (42 U.S.C. 1395m(t)) is amended—

(1) in paragraph (1)—

(A) in the heading, by striking ''IN GENERAL'' and inserting ''SITE PAYMENT'';

(B) in the matter preceding subparagraph (A)—

(i) by striking ''or to'' and inserting '', to'';

(ii) by inserting '', or to a physician for services furnished in a physician's office'' after ''surgical center''; and

(iii) by inserting ''(or 2024 with respect to a physician for services furnished in a physician's office)'' after ''2018''; and

(C) in subparagraph (A)—

(i) by striking ''and the'' and inserting '', the''; and

(ii) by inserting '', and the physician fee schedule under section 1848 (with respect to the practice expense component of such payment amount)'' after ''such section'';

(2) by redesignating paragraphs (2) through (4) and paragraphs (3) through (5), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) PHYSICIAN PAYMENT.—Beginning in 2024, the Secretary may expand the information included on the Internet website described in paragraph (1) to include—

''(A) the amount paid to a physician under section 1848 for an item or service for the settings described in paragraph (1); and

''(B) the estimated amount of beneficiary liability applicable to the item or service.''.

SEC. 14003. HHS INSPECTOR GENERAL STUDY AND REPORT ON BONA FIDE SERVICE FEES.

(a) STUDY.—The Inspector General of the Department of Health and Human Services (in this section referred to as the ''Inspector General'') shall conduct a study on the effect of the use of bona fide service fee contracting arrangements by drug manufacturers and other entities on Medicare payments for drugs and biologicals furnished under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). Such study shall include an analysis of—

(1) the various types of entities that enter into contracting arrangements that use bona fide service fees, such as group purchasing organizations, wholesalers, providers, and pharmacies;

(2) the various types of bona fide service fee contracting arrangements used by such entities;

(3) the types of services that are paid for through such arrangements;

(4) whether manufacturers define bona fide service fees differently across different entities;

(5) how such arrangements are structured;

(6) whether the structure or use of such arrangements has changed over time;

(7) the extent, if any, to which there is consistency across manufacturers in what they consider to be a bona fide service fee as opposed to a discount or rebate that should be excluded from the determination of average sales price pursuant to the methodology under section 1847A of the Social Security Act (42 U.S.C. 1395w–3a);

(8) the overall magnitude of bona fide service fees;

(9) what share of bona fide service fees are paid to various entities;

(10) how the magnitude of bona fide service fees compares to other fees and rebates that are included in the determination of average sales price;

(11) whether and, if so, how much, the magnitude of bona fide service fees has grown over time and how such growth compares to growth in the magnitude of other fees and rebates; and

(12) what share of bona fide service fees are based on a percentage of sales.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Inspector General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate.

SEC. 14004. ESTABLISHMENT OF MAXIMUM ADD-ON PAYMENT FOR DRUGS AND BIOLOGICALS.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''paragraph (7)'' and inserting ''paragraphs (7) and (9)''; and

(B) by adding at the end the following new paragraph:

''(9) MAXIMUM ADD-ON PAYMENT AMOUNT.—

''(A) IN GENERAL.—In determining the payment amount under the provisions of subparagraph (A), (B), or (C) of paragraph (1) of this subsection, subsection (c)(4)(A)(ii), or subsection (d)(3)(C) for a drug or biological furnished on or after January 1, 2024, if the applicable add-on payment (as defined in subparagraph (B)) for each drug or biological on a claim for a date of service exceeds the maximum add-on payment amount specified under subparagraph (C) for the drug or biological, then the payment amount otherwise determined for the drug or biological under those provisions, as applicable, shall be reduced by the amount of such excess.

''(B) APPLICABLE ADD-ON PAYMENT DEFINED.—In this paragraph, the term 'applicable add-on payment' means the following amounts, determined without regard to the application of subparagraph (A):

''(i) In the case of a multiple source drug, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(A); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for '106 percent'.

''(ii) In the case of a single source drug or biological, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(B); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for '106 percent'.

''(iii) In the case of a biosimilar biological product, the amount otherwise determined under paragraph (8)(B).

''(iv) In the case of a drug or biological during the initial period described in subsection (c)(4)(A), an amount equal to the difference between—

''(I) the amount that would otherwise be applied under subsection (c)(4)(A)(ii); and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) '103 percent' in subclause (I) of such subsection; or

''(bb) any percent in excess of 100 percent applied under subclause (II) of such subsection.

''(v) In the case of a drug or biological to which subsection (d)(3)(C) applies, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under such subsection; and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) any percent in excess of 100 percent applied under clause (i) of such subsection; or

''(bb) '103 percent' in clause (ii) of such subsection.

''(C) MAXIMUM ADD-ON PAYMENT AMOUNT SPECIFIED.—For purposes of subparagraph (A), the maximum add-on payment amount specified in this subparagraph is—

''(i) for each of 2024 through 2031, $1,000; and

''(ii) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

Any amount determined under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.''; and

(2) in subsection (c)(4)(A)(ii), by striking ''in the case'' and inserting ''subject to subsection (b)(9), in the case''.

(b) CONFORMING AMENDMENTS RELATING TO SEPARATELY PAYABLE DRUGS.—

(1) OPPS.—Section 1833(t)(14) of the Social Security Act (42 U.S.C. 1395l(t)(14)) is amended—

(A) in subparagraph (A)(iii)(II), by inserting '', subject to subparagraph (I)'' after ''are not available''; and

(B) by adding at the end the following new subparagraph:

''(I) APPLICATION OF MAXIMUM ADD-ON PAYMENT FOR SEPARATELY PAYABLE DRUGS AND BIOLOGICALS.—In establishing the amount of payment under subparagraph (A) for a specified covered outpatient drug that is furnished as part of a covered OPD service (or group of services) on or after January 1, 2024, if such payment is determined based on the average price for the year established under section 1847A pursuant to clause (iii)(II) of such subparagraph, the provisions of subsection (b)(9) of section 1847A shall apply to the amount of payment so established in the same manner as such provisions apply to the amount of payment under section 1847A.''.

(2) ASC.—Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(i)(2)(D)) is amended—

(A) by moving clause (v) 6 ems to the left;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following new clause:

''(vi) If there is a separate payment under the system described in clause (i) for a drug or biological furnished on or after January 1, 2024, the provisions of subsection (t)(14)(I) shall apply to the establishment of the amount of payment for the drug or biological under such system in the same manner in which such provisions apply to the establishment of the amount of payment under subsection (t)(14)(A).''.

SEC. 14005. TREATMENT OF DRUG ADMINISTRATION SERVICES FURNISHED BY CERTAIN EXCEPTED OFF-CAMPUS OUTPATIENT DEPARTMENTS OF A PROVIDER.

Section 1833(t)(16) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL PAYMENT RULE FOR DRUG ADMINISTRATION SERVICES FURNISHED BY AN EXCEPTED DEPARTMENT OF A PROVIDER.—

''(i) IN GENERAL.—In the case of a covered OPD service that is a drug administration service (as defined by the Secretary) furnished by a department of a provider described in clause (ii) or (iv) of paragraph (21)(B), the payment amount for such service furnished on or after January 1, 2024, shall be the same payment amount (as determined in paragraph (21)(C)) that would apply if the drug administration service was furnished by an off-campus outpatient department of a provider (as defined in paragraph (21)(B)).

''(ii) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The reductions made under this subparagraph—

''(I) shall not be considered an adjustment under paragraph (2)(E); and

''(II) shall not be implemented in a budget neutral manner.''.

SEC. 14006. GAO STUDY AND REPORT ON AVERAGE SALES PRICE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred

to as the ''Comptroller General'') shall conduct a study on spending for applicable drugs under part B of title XVIII of the Social Security Act.

(2) APPLICABLE DRUGS DEFINED.—In this section, the term ''applicable drugs'' means drugs and biologicals—

(A) for which reimbursement under such part B is based on the average sales price of the drug or biological; and

(B) that account for the largest percentage of total spending on drugs and biologicals under such part B (as determined by the Comptroller General, but in no case less that 25 drugs or biologicals).

(3) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The extent to which each applicable drug is paid for—

(i) under such part B for Medicare beneficiaries; or

(ii) by private payers in the commercial market.

(B) Any change in Medicare spending or Medicare beneficiary cost-sharing that would occur if the average sales price of an applicable drug was based solely on payments by private payers in the commercial market.

(C) The extent to which drug manufacturers provide rebates, discounts, or other price concessions to private payers in the commercial market for applicable drugs, which the manufacturer includes in its average sales price calculation, for—

(i) formulary placement;

(ii) utilization management considerations; or

(iii) other purposes.

(D) Barriers to drug manufacturers providing such price concessions for applicable drugs.

(E) Other areas determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 14007. AUTHORITY TO USE ALTERNATIVE PAYMENT FOR DRUGS AND BIOLOGICALS TO PREVENT POTENTIAL DRUG SHORTAGES.

(a) IN GENERAL.—Section 1847A(e) of the Social Security Act (42 U.S.C. 1395w–3a(e)) is amended—

(1) by striking ''PAYMENT IN RESPONSE TO PUBLIC HEALTH EMERGENCY.—In the case'' and inserting ''PAYMENTS.—

''(1) IN RESPONSE TO PUBLIC HEALTH EMERGENCY.—In the case''; and

(2) by adding at the end the following new paragraph:

''(2) PREVENTING POTENTIAL DRUG SHORTAGES.—

''(A) IN GENERAL.—In the case of a drug or biological that the Secretary determines is described in subparagraph (B) for one or more quarters beginning on or after January 1, 2024, the Secretary may use wholesale acquisition cost (or other reasonable measure of a drug or biological price) instead of the manufacturer's average sales price for such quarters and for subsequent quarters until the end of the quarter in which such drug or biological is removed from the drug shortage list under section 506E of the Federal Food, Drug, and Cosmetic Act, or in the case of a drug or biological described in subparagraph (B)(ii), the date on which the Secretary determines that the total manufacturing capacity or the total number of manufacturers of such drug or biological is sufficient to mitigate a potential shortage of the drug or biological.

''(B) DRUG OR BIOLOGICAL DESCRIBED.—For purposes of subparagraph (A), a drug or biological described in this subparagraph is a drug or biological—

''(i) that is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act, and with respect to which any manufacturer of such drug or biological notifies the Secretary of a permanent discontinuance or an interruption that is likely to lead to a meaningful disruption in the manufacturer's supply of that drug pursuant to section 506C(a) of such Act; or

''(ii) that—

''(I) is described in section 506C(a) of such Act;

''(II) was listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of such Act within the preceding 5 years; and

''(III) for which the total manufacturing capacity of all manufacturers with an approved application for such drug or biological that is currently marketed or total number of manufacturers with an approved application for such drug or biological that is currently marketed declines during a 6-month period, as determined by the Secretary.

''(C) PROVISION OF ADDITIONAL INFORMATION.—For each quarter in which the amount of payment for a drug or biological described in subparagraph (B) pursuant to subparagraph (A) exceeds the amount of payment for the drug or biological otherwise applicable under this section, each manufacturer of such drug or biological shall provide to the Secretary information related to the potential cause or causes of the shortage and the expected duration of the shortage with respect to such drug.''.

(b) TRACKING SHORTAGE DRUGS THROUGH CLAIMS.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a mechanism (such as a modifier) for purposes of tracking utilization under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) of drugs and biologicals listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e).

(c) HHS REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on shortages of drugs within the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). The report shall include—

(A) an analysis of—

(i) the effect of drug shortages on Medicare beneficiary access, quality, safety, and out-of-pocket costs;

(ii) the effect of drug shortages on health providers, including hospitals and physicians, across the Medicare program;

(iii) the current role of the Centers for Medicare & Medicaid Services (CMS) in addressing drug shortages, including CMS's working relationship and communication with other Federal agencies and stakeholders;

(iv) the role of all actors in the drug supply chain (including drug manufacturers, distributors, wholesalers, secondary wholesalers, group purchasing organizations, hospitals, and physicians) on drug shortages within the Medicare program; and

(v) payment structures and incentives under parts A, B, C, and D of the Medicare program and their effect, if any, on drug shortages; and

(B) relevant findings and recommendations to Congress.

(2) PUBLIC AVAILABILITY.—The report under this subsection shall be made available to the public.

(3) CONSULTATION.—The Secretary shall consult with the drug shortage task force authorized under section 506D(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356d(a)(1)(A)) in preparing the report under this subsection, as appropriate.

Subpart B—Part D

SEC. 14101. REQUIRING PHARMACY-NEGOTIATED PRICE CONCESSIONS, PAYMENT, AND FEES TO BE INCLUDED IN NEGOTIATED PRICES AT THE POINT-OF-SALE UNDER PART D OF THE MEDICARE PROGRAM.

Section 1860D–2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)(B)) is amended—

(1) by striking ''PRICES.—For purposes'' and inserting ''PRICES.—

''(i) IN GENERAL.—For purposes''; and

(2) by adding at the end the following new clause:

''(ii) PRICES NEGOTIATED WITH PHARMACY AT POINT-OF-SALE.—For plan years beginning on or after January 1, 2024, a negotiated price for a covered part D drug described in clause (i) shall be the approximate lowest possible reimbursement for such drug negotiated with the pharmacy dispensing such drug, and shall include all contingent and noncontingent price concessions, payments, and fees negotiated with such pharmacy, but shall not include positive incentive payments paid or to be paid to such pharmacy. Such negotiated price shall be provided at the point-of-sale of such drug.''.

SEC. 14102. PUBLIC DISCLOSURE OF DRUG DISCOUNTS AND OTHER PHARMACY BENEFIT MANAGER (PBM) PROVISIONS.

(a) PUBLIC DISCLOSURE OF DRUG DISCOUNTS.—

(1) IN GENERAL.—Section 1150A of the Social Security Act (42 U.S.C. 1320b–23) is amended—

(A) in subsection (c), in the matter preceding paragraph (1), by striking ''this section'' and inserting ''subsection (b)(1)''; and

(B) by adding at the end the following new subsection:

''(e) PUBLIC AVAILABILITY OF CERTAIN INFORMATION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), in order to allow patients and employers to compare PBMs' ability to negotiate rebates, discounts, and price concessions and the amount of such rebates, discounts, and price concessions that are passed through to plan sponsors, not later than July 1, 2024, the Secretary shall make available on the Internet website of the Department of Health and Human Services the information provided to the Secretary and described in paragraphs (2) and (3) of subsection (b) with respect to each PBM.

''(2) LAG IN DATA.—The information made available in a plan year under paragraph (1) shall not include information with respect to such plan year or the two preceding plan years.

''(3) CONFIDENTIALITY.—The Secretary shall ensure that such information is displayed in a manner that prevents the disclosure of information on rebates, discounts, and price concessions with respect to an individual drug or an individual PDP sponsor, MA organization, or qualified health benefits plan.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall take effect on January 1, 2024.

(b) PLAN AUDIT OF PHARMACY BENEFIT MANAGER DATA.—Section 1860D–2(d)(3) of the Social Security Act (42 U.S.C. 1395w–102(d)(3)) is amended—

(1) by striking ''AUDITS.—To protect'' and inserting the following: ''AUDITS.—

''(A) AUDITS OF PLANS BY THE SECRETARY.—To protect''; and

(2) by adding at the end the following new subparagraph:

''(B) AUDITS OF PHARMACY BENEFIT MANAGERS BY PDP SPONSORS AND MA ORGANIZATIONS.—

''(i) IN GENERAL.—Beginning January 1, 2024, in order to ensure that—

''(I) contracting terms between a PDP sponsor offering a prescription drug plan or an MA organization offering an MA–PD plan and its contracted or owned pharmacy benefit manager are met; and

''(II) the PDP sponsor and MA organization can account for the cost of each covered part D drug net of all direct and indirect remuneration;

the PDP sponsor or MA organization shall conduct financial audits.

''(ii) INDEPENDENT THIRD PARTY.—An audit described in clause (i) shall—

''(I) be conducted by an independent third party; and

''(II) account and reconcile flows of funds that determine the net cost of covered part D drugs, including direct and indirect remuneration from drug manufacturers and pharmacies or provided to pharmacies.

''(iii) REBATE AGREEMENTS.—A PDP sponsor and an MA organization shall require pharmacy benefit managers to make rebate contracts with drug manufacturers made on their behalf available under audits described in clause (i).

''(iv) CONFIDENTIALITY AGREEMENTS.—Audits described in clause (i) shall be subject to confidentiality agreements to prevent, except as required under clause (vii), the redisclosure of data transmitted under the audit.

''(v) FREQUENCY.—A financial audit under clause (i) shall be conducted periodically (but in no case less frequently than once every 2 years).

''(vi) TIMEFRAME FOR PBM TO PROVIDE INFORMATION.—A PDP sponsor and an MA organization shall require that a pharmacy benefit manager that is being audited under clause (i) provide (as part of their contracting agreement) the requested information to the independent third party conducting the audit within 45 days of the date of the request.

''(vii) SUBMISSION OF AUDIT REPORTS TO THE SECRETARY.—

''(I) IN GENERAL.—A PDP sponsor and an MA organization shall submit to the Secretary the final report on any audit conducted under clause (i) within 30 days of the PDP sponsor or MA organization receiving the report from the independent third party conducting the audit.

''(II) REVIEW.—The Secretary shall review final reports submitted under clause (i) to determine the extent to which the goals specified in subclauses (I) and (II) of subparagraph (B)(i) are met.

''(III) CONFIDENTIALITY.—Notwithstanding any other provision of law, information disclosed in a report submitted under clause (i) related to the net cost of a covered part D drug is confidential and shall not be disclosed by the Secretary or a Medicare contractor.

''(viii) NOTICE OF NONCOMPLIANCE.—A PDP sponsor and an MA organization shall notify the Secretary if any pharmacy benefit manager is not complying with requests for access to information required under an audit under clause (i).

''(ix) CIVIL MONETARY PENALTIES.—

''(I) IN GENERAL.—Subject to subclause (II), if the Secretary determines that a PDP sponsor or an MA organization has failed to conduct an audit under clause (i), the Secretary may impose a civil monetary penalty of not more than $10,000 for each day of such noncompliance.

''(II) PROCEDURE.—The provisions of section 1128A, other than subsections (a) and (b) and the first sentence of subsection (c)(1) of such section, shall apply to civil monetary penalties under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A.''.

(c) DISCLOSURE TO PHARMACY OF POST-POINT-OF-SALE PHARMACY PRICE CONCESSIONS AND INCENTIVE PAYMENTS.—Section 1860D–2(d)(2) of the Social Security Act (42 U.S.C. 1395w–102(d)(2)) is amended—

(1) by striking ''DISCLOSURE.—A PDP sponsor'' and inserting the following: ''DISCLOSURE.—

''(A) TO THE SECRETARY.—A PDP sponsor''; and

(2) by adding at the end the following new subparagraph:

''(B) TO PHARMACIES.—

''(i) IN GENERAL.—For plan year 2024 and subsequent plan years, a PDP sponsor offering a prescription drug plan and an MA organization offering an MA–PD plan shall report any pharmacy price concession or incentive payment that occurs with respect to a pharmacy after payment for covered part D drugs at the point-of-sale, including by an intermediary organization with which a PDP sponsor or MA organization has contracted, to the pharmacy.

''(ii) TIMING.—The reporting of price concessions and incentive payments to a pharmacy under clause (i) shall be made on a periodic basis (but in no case less frequently than annually).

''(iii) CLAIM LEVEL.—The reporting of price concessions and incentive payments to a pharmacy under clause (i) shall be at the claim level or approximated at the claim level if the price concession or incentive payment was applied at a level other than at the claim level.''.

(d) DISCLOSURE OF P&T COMMITTEE CONFLICTS OF INTEREST.—

(1) IN GENERAL.—Section 1860D–4(b)(3)(A) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(A)) is amended by adding at the end the following new clause:

''(iii) DISCLOSURE OF CONFLICTS OF INTEREST.—With respect to plan year 2024 and subsequent plan years, a PDP sponsor of a prescription drug plan and an MA organization offering an MA–PD plan shall, as part of its bid submission under section 1860D–11(b), provide the Secretary with a completed statement of financial conflicts of interest, including with manufacturers, from each member of any pharmacy and therapeutic committee used by the sponsor or organization pursuant to this paragraph.''.

(2) INCLUSION IN BID.—Section 1860D–11(b)(2) of the Social Security Act (42 U.S.C. 1395w–111(b)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (G); and

(B) by inserting after subparagraph (E) the following new subparagraph:

''(F) P&T COMMITTEE CONFLICTS OF INTEREST.—The information required to be disclosed under section 1860D–4(b)(3)(A)(iii).''.

(e) INFORMATION ON DIRECT AND INDIRECT REMUNERATION REQUIRED TO BE INCLUDED IN BID.—Section 1860D–11(b) of the Social Security Act (42 U.S.C. 1395w–111(b)) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''With respect to actual amounts of direct and indirect remuneration submitted pursuant to clause (v) of paragraph (2), such amounts shall be consistent with data reported to the Secretary in a prior year.''; and

(2) in paragraph (2)(C)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting the following: '', and, with respect to plan year 2024 and subsequent plan years, actual and projected administrative expenses assumed in the bid, categorized by the type of such expense, including actual and projected price concessions retained by a pharmacy benefit manager; and''; and

(C) by adding at the end the following new clause:

''(v) with respect to plan year 2024 and subsequent plan years, actual and projected direct and indirect remuneration, categorized as received from each of the following:

''(I) A pharmacy.

''(II) A manufacturer.

''(III) A pharmacy benefit manager.

''(IV) Other entities, as determined by the Secretary.''.

SEC. 14103. PUBLIC DISCLOSURE OF DIRECT AND INDIRECT REMUNERATION REVIEW AND AUDIT RESULTS.

Section 1860D–42 of the Social Security Act (42 U.S.C. 1395w–152) is amended by adding at the end the following new subsection:

''(e) PUBLIC DISCLOSURE OF DIRECT AND INDIRECT REMUNERATION REVIEW AND FINANCIAL AUDIT RESULTS.—

''(1) DIRECT AND INDIRECT REMUNERATION REVIEW RESULTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in 2023 and each subsequent year, the Secretary shall make available to the public on the Internet website of the Centers for Medicare & Medicaid Services information on discrepancies related to summary and detailed direct and indirect remuneration reports submitted by PDP sponsors pursuant to section 1860D–15 across all prescription drug plans based on the most recent data available. Information made available under this subparagraph shall include the following:

''(i) The number of potential discrepancies in summary and detailed direct and indirect remuneration identified by the Secretary for PDP sponsors to review.

''(ii) The extent to which PDP sponsors resubmitted summary direct and indirect remuneration reports to make changes for previous contract years.

''(iii) The extent to which resubmitted summary direct and indirect remuneration reports resulted in an increase or decrease in direct and indirect remuneration in a previous contract year.

''(B) EXCLUSION OF CERTAIN SUBMISSIONS IN CALCULATION.—The Secretary shall exclude any information in direct and indirect remuneration reports submitted with respect to PACE programs under section 1894 (pursuant to section 1860D–21(f)) and qualified retiree prescription drug plans (as defined in section 1860D–22(a)(2)) from the information that is made available to the public under subparagraph (A).

''(2) FINANCIAL AUDIT RESULTS.—In 2023 and each subsequent year, the Secretary shall make available to the public on the Internet website of the Centers for Medicare & Medicaid Services data on the results of financial audits required under section 1860D–12(b)(3)(C). Information made available under this paragraph shall include the following:

''(A) With respect to a year, the number of PDP sponsors that received each of the following (or successor categories), with an indication of the number that pertain to direct and indirect remuneration:

''(i) A notice of observations or findings.

''(ii) An unqualified audit opinion that renders the audit closed.

''(iii) A qualified audit opinion that requires the sponsor to submit a corrective action plan to the Secretary.

''(iv) An adverse opinion, with a description of the types of actions that the Secretary takes when issuing an adverse opinion.

''(v) A disclaimed opinion.

''(B) With respect to a year, the number of PDP sponsors—

''(i) that reopened a previously closed reconciliation as a result of an audit, indicating those that pertain to direct and indirect remuneration changes; and

''(ii) for which the Secretary recouped a payment or made a payment as a result of a reopening of a previously closed reconciliation, indicating when such recoupment or payment pertains to direct and indirect remuneration.

''(3) NO IDENTIFICATION OF SPECIFIC PDP SPONSORS.—The information to be made available on the Internet website of the Centers for Medicare & Medicaid Services described in paragraph (1) and paragraph (2) shall not identity the specific PDP sponsor to which any determination or action pertains.

''(4) DEFINITION OF DIRECT AND INDIRECT REMUNERATION.—For purposes of this subsection, the term 'direct and indirect remuneration' means direct and indirect remuneration as described in section 423.308 of title 42, Code of Federal Regulations, or any successor regulation.''.

SEC. 14104. IMPROVEMENTS TO PROVISION OF PARTS A AND B CLAIMS DATA TO PRESCRIPTION DRUG PLANS.

(a) DATA USE.—

(1) IN GENERAL.—Paragraph (6) of section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as added by section 50354 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), relating to providing prescription drug plans with parts A and B claims data to promote the appropriate use of medications and improve health outcomes, is amended—

(A) in subparagraph (B)—

(i) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and moving such subclauses 2 ems to the right;

(ii) by striking ''PURPOSES.—A PDP sponsor'' and inserting PURPOSES—

''(i) IN GENERAL.—A PDP sponsor.''; and

(iii) by adding at the end the following new clause:

''(ii) CLARIFICATION.—The limitation on data use under subparagraph (C)(i) shall not apply to the extent that the PDP sponsor is using the data provided to carry out any of the purposes described in clause (i).''; and

(B) in subparagraph (C)(i), by striking ''To inform'' and inserting ''Subject to subparagraph (B)(ii), to inform''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning on or after January 1, 2024.

(b) MANNER OF PROVISION.—Subparagraph (D) of such paragraph (6) is amended—

(1) by striking ''DESCRIBED.—The data described in this clause'' and inserting ''DESCRIBED.—

''(i) IN GENERAL.—The data described in this subparagraph''; and

(2) by adding at the end the following new clause:

''(ii) MANNER OF PROVISION.—

''(I) IN GENERAL.—Such data may be provided pursuant to this paragraph in the same manner as data under the Part D Enhanced Medication Therapy Management model tested under section 1115A, through Application Programming Interface, or in another manner as determined by the Secretary.

''(II) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this clause by program instruction or otherwise.''.

(c) TECHNICAL CORRECTION.—Such paragraph (6) is redesignated as paragraph (7).

SEC. 14105. PROHIBITING BRANDING ON PART D BENEFIT CARDS.

(a) IN GENERAL.—Section 1851(j)(2)(B) of the Social Security Act (42 U.S.C. 1395w–21(j)(2)(B)) is amended by striking ''co-branded network provider'' and inserting ''co-branded, co-owned, or affiliated network provider, pharmacy, or pharmacy benefit manager''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2024.

SEC. 14106. REQUIRING PRESCRIPTION DRUG PLANS AND MA–PD PLANS TO REPORT POTENTIAL FRAUD, WASTE, AND ABUSE TO THE SECRETARY OF HHS.

Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

''(p) REPORTING POTENTIAL FRAUD, WASTE, AND ABUSE.—Beginning January 1, 2023, the PDP sponsor of a prescription drug plan shall report to the Secretary, as specified by the Secretary—

''(1) any substantiated or suspicious activities (as defined by the Secretary) with respect to the program under this part as it relates to fraud, waste, and abuse; and

''(2) any steps made by the PDP sponsor after identifying such activities to take corrective actions.''.

SEC. 14107. ESTABLISHMENT OF PHARMACY QUALITY MEASURES UNDER MEDICARE PART D.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as amended by this Act, is amended by adding at the end the following new paragraph:

''(8) APPLICATION OF PHARMACY QUALITY MEASURES.—

''(A) IN GENERAL.—A PDP sponsor that makes incentive payments to a pharmacy or receives price concessions paid by a pharmacy based on quality measures shall, for the purposes of such incentive payments or price concessions with respect to covered part D drugs dispensed by such pharmacy, only use measures—

''(i) established or adopted by the Secretary under subparagraph (B), as listed under clause (ii) of such subparagraph; and

''(ii) that are relevant to the performance of such pharmacy with respect to areas that the pharmacy can impact.

''(B) STANDARD PHARMACY QUALITY MEASURES.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall establish or adopt quality measures from one or more multi-stakeholder, consensus organizations to be used by a PDP sponsor for the purposes of determining incentive payments and price concessions described in subparagraph (A). Such measures shall be evidence-based and focus on pharmacy performance on patient health outcomes and other areas, as determined by the Secretary, that the pharmacy can impact.

''(ii) MAINTENANCE OF LIST.—The Secretary shall maintain a single list of measures established or adopted under this subparagraph.

''(C) EFFECTIVE DATE.—The requirement under subparagraph (A) shall take effect for plan years beginning on January 1, 2024, or such earlier date specified by the Secretary if the Secretary determines there are sufficient measures established or adopted under subparagraph (B) for the purposes of the requirement under subparagraph (A).''.

SEC. 14108. ADDITION OF NEW MEASURES BASED ON ACCESS TO BIOSIMILAR BIOLOGICAL PRODUCTS TO THE 5-STAR RATING SYSTEM UNDER MEDICARE ADVANTAGE.

(a) IN GENERAL.—Section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)) is amended by adding at the end the following new subparagraph:

''(E) ADDITION OF NEW MEASURES BASED ON ACCESS TO BIOSIMILAR BIOLOGICAL PRODUCTS.—

''(i) IN GENERAL.—For 2028 and subsequent years, the Secretary shall add a new set of measures to the 5-star rating system based on access to biosimilar biological products covered under part B and, in the case of MA–PD plans, such products that are covered part D drugs. Such measures shall assess the impact a plan's benefit structure may have on enrollees' utilization of or ability to access biosimilar biological products, including in comparison to the reference biological product, and shall include measures, as applicable, with respect to the following:

''(I) COVERAGE.—Assessing whether a biosimilar biological product is on the plan formulary in lieu of or in addition to the reference biological product.

''(II) PREFERENCING.—Assessing tier placement or cost-sharing for a biosimilar biological product relative to the reference biological product.

''(III) UTILIZATION MANAGEMENT TOOLS.—Assessing whether and how utilization management tools are used with respect to a biosimilar biological product relative to the reference biological product.

''(IV) UTILIZATION.—Assessing the percentage of enrollees prescribed the biosimilar biological product and the percentage of enrollees prescribed the reference biological product when the reference biological product is also on the plan formulary.

''(ii) DEFINITIONS.—In this subparagraph, the terms 'biosimilar biological product' and 'reference biological product' have the meaning given those terms in section 1847A(c)(6).

''(iii) PROTECTING PATIENT INTERESTS.—In developing such measures, the Secretary shall ensure that each measure developed to address coverage, preferencing, or utilization management is constructed such that patients retain access to appropriate therapeutic options without undue administrative burden.''.

(b) CLARIFICATION REGARDING APPLICATION TO PRESCRIPTION DRUG PLANS.—To the extent the Secretary of Health and Human Services applies the 5-star rating system under section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)), or a similar system, to prescription drug plans under part D of title XVIII of such Act, the provisions of subparagraph (E) of such section, as added by subsection (a) of this section, shall apply under the system with respect to such plans in the same manner as such provisions apply to the 5-star rating system under such section 1853(o)(4).

SEC. 14109. FAIRNESS IN THE CALCULATION OF THE PART D PREMIUM.

(a) IN GENERAL.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)) is amended—

(1) in paragraph (3)(A), by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in paragraph (8))''; and

(2) by adding at the end the following new paragraph:

''(8) APPLICABLE PERCENT.—For purposes of paragraph (3)(A), the applicable percent specified in this paragraph is—

''(A) for years prior to 2024, 25.5 percent; and

''(B) for 2024 and subsequent years, 24.5 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) SUBSIDY.—Section 1860D–15(a) of the Social Security Act (42 U.S.C. 1395w–115(a)) is

amended, in the matter preceding paragraph (1), by inserting ''(or, for 2022 and subsequent years, 75.5 percent)'' after ''74.5 percent''.

(2) FALLBACK AREA MONTHLY BENEFICIARY PREMIUM.—Section 1860D–11(g)(6) of the Social Security Act (42 U.S.C. 1395w–111(g)(6)) is amended by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in section 1860D–13(a)(8))''.

(3) INCOME-RELATED MONTHLY ADJUSTMENT AMOUNT (IRMAA).—Section 1860D–13(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395w–113(a)(7)(B)(i)(II)) is amended by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in paragraph (8))''.

SEC. 14110. HHS STUDY AND REPORT ON THE INFLUENCE OF PHARMACEUTICAL MANUFACTURER THIRD-PARTY REIMBURSEMENT HUBS ON HEALTH CARE PROVIDERS WHO PRESCRIBE THEIR DRUGS AND BIOLOGICALS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study on the influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services on health care providers who prescribe the manufacturer's drugs and biologicals, including for Medicare part D beneficiaries.

(2) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services to health care providers who prescribe the manufacturer's drugs and biologicals, including—

(i) the operations of pharmaceutical manufacturer distribution models that provide reimbursement hub services for health care providers who prescribe the manufacturer's products;

(ii) Federal laws affecting these pharmaceutical manufacturer distribution models; and

(iii) whether hub services could improperly incentivize health care providers to deem a drug or biological as medically necessary under section 423.578 of title 42, Code of Federal Regulations.

(B) Other areas determined appropriate by the Secretary.

(b) REPORT.—Not later than July 1, 2024, the Secretary shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(c) CONSULTATION.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Secretary shall consult with the Attorney General.

Subpart C—Miscellaneous

SEC. 14201. DRUG MANUFACTURER PRICE TRANSPARENCY.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128K the following new section:

''SEC. 1128L. DRUG MANUFACTURER PRICE TRANSPARENCY.

''(a) IN GENERAL.—

''(1) DETERMINATIONS.—Beginning July 1, 2024, the Secretary shall make determinations as to whether a drug is an applicable drug as described in subsection (b).

''(2) REQUIRED JUSTIFICATION.—If the Secretary determines under paragraph (1) that an applicable drug is described in subsection (b), the manufacturer of the applicable drug shall submit to the Secretary the justification described in subsection (c) in accordance with the timing described in subsection (d).

''(b) APPLICABLE DRUG DESCRIBED.—

''(1) IN GENERAL.—An applicable drug is described in this subsection if it meets any of the following at the time of the determination:

''(A) LARGE INCREASE.—The drug (per dose)—

''(i) has a wholesale acquisition cost of at least $10; and

''(ii) had an increase in the wholesale acquisition cost, with respect to determinations made—

''(I) during 2022, of at least 100 percent since the date of the enactment of this section;

''(II) during 2023, of at least 100 percent in the preceding 12 months or of at least 150 percent in the preceding 24 months;

''(III) during 2024, of at least 100 percent in the preceding 12 months or of at least 200 percent in the preceding 36 months;

''(IV) during 2025, of at least 100 percent in the preceding 12 months or of at least 250 percent in the preceding 48 months; or

''(V) on or after January 1, 2026, of at least 100 percent in the preceding 12 months or of at least 300 percent in the preceding 60 months.

''(B) HIGH SPENDING WITH INCREASE.—The drug—

''(i) was in the top 50th percentile of net spending under title XVIII or XIX (to the extent data is available) during any 12-month period in the preceding 60 months; and

''(ii) per dose, had an increase in the wholesale acquisition cost, with respect to determinations made—

''(I) during 2022, of at least 15 percent since the date of the enactment of this section;

''(II) during 2023, of at least 15 percent in the preceding 12 months or of at least 20 percent in the preceding 24 months;

''(III) during 2024, of at least 15 percent in the preceding 12 months or of at least 30 percent in the preceding 36 months;

''(IV) during 2025, of at least 15 percent in the preceding 12 months or of at least 40 percent in the preceding 48 months; or

''(V) on or after January 1, 2026, of at least 15 percent in the preceding 12 months or of at least 50 percent in the preceding 60 months.

''(C) HIGH LAUNCH PRICE FOR NEW DRUGS.—In the case of a drug that is marketed for the first time on or after January 1, 2022, and for which the manufacturer has established the first wholesale acquisition cost on or after such date, such wholesale acquisition cost for a year's supply or a course of treatment for such drug exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(2) SPECIAL RULES.—

''(A) AUTHORITY OF SECRETARY TO SUBSTITUTE PERCENTAGES WITHIN A DE MINIMIS RANGE.—For purposes of applying paragraph (1), the Secretary may substitute for each percentage described in subparagraph (A) or (B) of such paragraph (other than the percentile described subparagraph (B)(i) of such paragraph) a percentage within a de minimis range specified by the Secretary below the percentage so described.

''(B) DRUGS WITH HIGH LAUNCH PRICES ANNUALLY REPORT UNTIL A THERAPEUTIC EQUIVALENT IS AVAILABLE.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (C) of paragraph (1), such drug shall remain described in such subparagraph (C) (and the manufacturer of such drug shall annually report the justification under subsection (c)(2)) until the Secretary determines that there is a therapeutic equivalent (as defined in section 314.3 of title 21, Code of Federal Regulations, or any successor regulation) for such drug.

''(3) DOSE.—For purposes of applying paragraph (1), the Secretary shall establish a definition of the term 'dose'.

''(c) JUSTIFICATION DESCRIBED.—

''(1) INCREASE IN WAC.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (A) or (B) of subsection (b)(1), the justification described in this subsection is all relevant, truthful, and nonmisleading information and supporting documentation necessary to justify the increase in the wholesale acquisition cost of the applicable drug of the manufacturer, as determined appropriate by the Secretary and which may include the following:

''(A) The individual factors that have contributed to the increase in the wholesale acquisition cost.

''(B) An explanation of the role of each factor in contributing to such increase.

''(C) Total expenditures of the manufacturer on—

''(i) materials and manufacturing for such drug;

''(ii) acquiring patents and licensing for each drug of the manufacturer; and

''(iii) costs to purchase or acquire the drug from another company, if applicable.

''(D) The percentage of total expenditures of the manufacturer on research and development for such drug that was derived from Federal funds.

''(E) The total expenditures of the manufacturer on research and development for such drug.

''(F) The total revenue and net profit generated from the applicable drug for each calendar year since drug approval.

''(G) The total expenditures of the manufacturer that are associated with marketing and advertising for the applicable drug.

''(H) Additional information specific to the manufacturer of the applicable drug, such as—

''(i) the total revenue and net profit of the manufacturer for the period of such increase, as determined by the Secretary;

''(ii) metrics used to determine executive compensation;

''(iii) any additional information related to drug pricing decisions of the manufacturer, such as total expenditures on—

''(I) drug research and development; or

''(II) clinical trials on drugs that failed to receive approval by the Food and Drug Administration.

''(2) HIGH LAUNCH PRICE.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (C) of subsection (b)(1), the justification described in this subsection is all relevant, truthful, and nonmisleading information and supporting documentation necessary to justify the wholesale acquisition cost of the applicable drug of the manufacturer, as determined by the Secretary and which may include the items described in subparagraph (C) through (H) of paragraph (1).

''(d) TIMING.—

''(1) NOTIFICATION.—Not later than 60 days after the date on which the Secretary makes the determination that a drug is an applicable drug under subsection (b), the Secretary shall notify the manufacturer of the applicable drug of such determination.

''(2) SUBMISSION OF JUSTIFICATION.—Not later than 180 days after the date on which a manufacturer receives a notification under paragraph (1), the manufacturer shall submit to the Secretary the justification required under subsection (a).

''(3) POSTING ON INTERNET WEBSITE.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 30 days after receiving the justification under paragraph (2), the Secretary shall post on the Internet website of

the Centers for Medicare & Medicaid Services the justification, together with a summary of such justification that is written and formatted using language that is easily understandable by beneficiaries under titles XVIII and XIX.

''(B) EXCLUSION OF PROPRIETARY INFORMATION.—The Secretary shall exclude proprietary information, such as trade secrets and intellectual property, submitted by the manufacturer in the justification under paragraph (2) from the posting described in subparagraph (A).

''(e) EXCEPTION TO REQUIREMENT FOR SUBMISSION.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (A) or (B) of subsection (b)(1), the requirement to submit a justification under subsection (a) shall not apply where the manufacturer, after receiving the notification under subsection (d)(1) with respect to the applicable drug of the manufacturer, reduces the wholesale acquisition cost of a drug so that it no longer is described in such subparagraph (A) or (B) for at least a 4-month period, as determined by the Secretary.

''(f) PENALTIES.—

''(1) FAILURE TO SUBMIT TIMELY JUSTIFICATION.—If the Secretary determines that a manufacturer has failed to submit a justification as required under this section, including in accordance with the timing and form required, with respect to an applicable drug, the Secretary shall apply a civil monetary penalty in an amount of $10,000 for each day the manufacturer has failed to submit such justification as so required.

''(2) FALSE INFORMATION.—Any manufacturer that submits a justification under this section and knowingly provides false information in such justification is subject to a civil monetary penalty in an amount not to exceed $100,000 for each item of false information.

''(3) APPLICATION OF PROCEDURES.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil monetary penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). Civil monetary penalties imposed under this subsection are in addition to other penalties as may be prescribed by law.

''(g) DEFINITIONS.—In this section:

''(1) DRUG.—The term 'drug' means a drug, as defined in section 201(g) of the Federal Food, Drug, and Cosmetic Act, that is intended for human use and subject to section 503(b)(1) of such Act, including a product licensed under section 351 of the Public health Service Act.

''(2) MANUFACTURER.—The term 'manufacturer' has the meaning given that term in section 1847A(c)(6)(A).

''(3) WHOLESALE ACQUISITION COST.—The term 'wholesale acquisition cost' has the meaning given that term in section 1847A(c)(6)(B).''.

SEC. 14202. STRENGTHENING AND EXPANDING PHARMACY BENEFIT MANAGERS TRANSPARENCY REQUIREMENTS.

Section 1150A of the Social Security Act (42 U.S.C. 1320b–23), as amended by this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) a State plan under title XIX, including a managed care entity (as defined in section 1932(a)(1)(B)),'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking ''(excluding bona fide'' and all that follows through ''patient education programs))''; and

(ii) by striking ''aggregate amount of'' and inserting ''aggregate amount and percentage of'';

(B) in paragraph (3), by striking ''aggregate amount of'' and inserting ''aggregate amount and percentage (defined as a share of gross drug costs) of''; and

(C) by adding at the end the following new paragraph:

''(4) The aggregate amount of bona fide service fees (which include distribution service fees, inventory management fees, product stocking allowances, and fees associated with administrative services agreements and patient care programs (such as medication compliance programs and patient education programs)) the PBM received from—

''(A) PDP sponsors;

''(B) qualified health benefit plans;

''(C) managed care entities (as defined in section 1932(a)(1)(b)); and

''(D) drug manufacturers.'';

(3) in subsection (c), by adding at the end the following new paragraphs:

''(5) To States to carry out their administration and oversight of the State plan under title XIX.

''(6) To the Federal Trade Commission to carry out section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45a) and any other relevant consumer protection or antitrust authorities enforced by such Commission, including reviewing proposed mergers in the prescription drug sector.

''(7) To assist the Department of Justice to carry out its antitrust authorities, including reviewing proposed mergers in the prescription drug sector.''; and

(4) by adding at the end the following new subsection:

''(f) ANNUAL OIG EVALUATION AND REPORT.—

''(1) ANALYSIS.—The Inspector General of the Department of Health and Human Services shall conduct an annual evaluation of the information provided to the Secretary under this section. Such evaluation shall include an analysis of—

''(A) PBM rebates;

''(B) administrative fees;

''(C) the difference between what plans pay PBMs and what PBMs pay pharmacies;

''(D) generic dispensing rates; and

''(E) other areas determined appropriate by the Inspector General.

''(2) REPORT.—Not later than July 1, 2023, and annually thereafter, the Inspector General of the Department of Health and Human Services shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate. Such report shall not disclose the identity of a specific PBM, plan, or price charged for a drug.''.

SEC. 14203. PRESCRIPTION DRUG PRICING DASHBOARDS.

Part A of title XI of the Social Security Act is amended by adding at the end the following new section:

''SEC. 1150D. PRESCRIPTION DRUG PRICING DASHBOARDS.

''(a) IN GENERAL.—Beginning not later than January 1, 2023, the Secretary shall establish, and annually update, internet website-based dashboards, through which beneficiaries, clinicians, researchers, and the public can review information on spending for, and utilization of, prescription drugs and biologicals (and related supplies and mechanisms of delivery) covered under each of parts B and D of title XVIII and under a State program under title XIX, including information on trends of such spending and utilization over time.

''(b) MEDICARE PART B DRUG AND BIOLOGICAL DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for part B of title XVIII shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to drug or biologicals covered under such part B:

''(A) The brand name and, if applicable, the generic names of the drug or biological.

''(B) Consumer-friendly information on the uses and clinical indications of the drug or biological.

''(C) The manufacturer or labeler of the drug or biological.

''(D) To the extent feasible, the following information:

''(i) Average total spending per dosage unit of the drug or biological in the most recent 2 calendar years for which data is available.

''(ii) The percentage change in average spending on the drug or biological per dosage unit between the most recent calendar year for which data is available and—

''(I) the preceding calendar year; and

''(II) the preceding 5 and 10 calendar years.

''(iii) The annual growth rate in average spending per dosage unit of the drug or biological in the most recent 5 or 10 calendar years for which data is available.

''(iv) Total spending for the drug or biological for the most recent calendar year for which data is available.

''(v) The number of beneficiaries receiving the drug or biological in the most recent calendar year for which data is available.

''(vi) Average spending on the drug per beneficiary for the most recent calendar year for which data is available.

''(E) The average sales price of the drug or biological (as determined under section 1847A) for the most recent quarter.

''(F) Consumer-friendly information about the coinsurance amount for the drug or biological for beneficiaries for the most recent quarter. Such information shall not include coinsurance amounts for qualified medicare beneficiaries (as defined in section 1905(p)(1)).

''(G) For the most recent calendar year for which data is available—

''(i) the 15 drugs and biologicals with the highest total spending under such part; and

''(ii) any drug or biological for which the average annual per beneficiary spending exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(H) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about drug and biological spending and utilization (including trends of such spending and utilization).

''(c) MEDICARE COVERED PART D DRUG DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for part D of title XVIII shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to covered part D drugs under such part D:

''(A) The information described in subparagraphs (A) through (D) of subsection (b)(2).

''(B) Information on average annual beneficiary out-of-pocket costs below and above the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) for the current plan year. Such information shall not include

out-of-pocket costs for subsidy eligible individuals under section 1860D–14.

''(C) Information on how to access resources as described in sections 1860D–1(c) and 1851(d).

''(D) For the most recent calendar year for which data is available—

''(i) the 15 covered part D drugs with the highest total spending under such part; and

''(ii) any covered part D drug for which the average annual per beneficiary spending exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(E) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about covered part D drug spending and utilization (including trends of such spending and utilization).

''(d) MEDICAID COVERED OUTPATIENT DRUG DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for title XIX shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to covered outpatient drugs under such title:

''(A) The information described in subparagraphs (A) through (D) of subsection (b)(2).

''(B) For the most recent calendar year for which data is available, the 15 covered outpatient drugs with the highest total spending under such title.

''(C) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about covered outpatient drug spending and utilization (including trends of such spending and utilization).

''(e) DATA FILES.—The Secretary shall make available the underlying data for each dashboard established under subsection (a) in a machine-readable format.''.

SEC. 14204. IMPROVING COORDINATION BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE CENTERS FOR MEDICARE & MEDICAID SERVICES.

(a) IN GENERAL.—

(1) PUBLIC MEETING.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall convene a public meeting for the purposes of discussing and providing input on improvements to coordination between the Food and Drug Administration and the Centers for Medicare & Medicaid Services in preparing for the availability of novel medical products described in subsection (c) on the market in the United States.

(B) ATTENDEES.—The Secretary shall invite the following to the public meeting:

(i) Representatives of relevant Federal agencies, including representatives from each of the medical product centers within the Food and Drug Administration and representatives from the coding, coverage, and payment offices within the Centers for Medicare & Medicaid Services.

(ii) Stakeholders with expertise in the research and development of novel medical products, including manufacturers of such products.

(iii) Representatives of commercial health insurance payers.

(iv) Stakeholders with expertise in the administration and use of novel medical products, including physicians.

(v) Stakeholders representing patients and with expertise in the utilization of patient experience data in medical product development.

(C) TOPICS.—The public meeting agenda shall include—

(i) an overview of the types of products and product categories in the drug and medical device development pipeline and the volume of products which may meet the description of a novel medical product under subsection (c);

(ii) the anticipated expertise necessary to review the safety and effectiveness of such products at the Food and Drug Administration and current gaps in such expertise, if any;

(iii) the expertise necessary to make coding, coverage, and payment decisions with respect to such products within the Centers for Medicare & Medicaid Services, and current gaps in such expertise, if any;

(iv) trends in the differences in the data necessary to determine the safety and effectiveness of a novel medical product and the data necessary to determine whether a novel medical product meets the reasonable and necessary requirements for coverage and payment under title XVIII of the Social Security Act pursuant to section 1862(a)(1)(A) of such Act (42 U.S.C. 1395y(a)(1)(A));

(v) the availability of information for sponsors of such novel medical products to meet each of those requirements; and

(vi) the coordination of information related to significant clinical improvement over existing therapies for patients between the Food and Drug Administration and the Centers for Medicare & Medicaid Services with respect to novel medical products.

(D) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Nothing under this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code.

(2) IMPROVING TRANSPARENCY OF CRITERIA FOR MEDICARE COVERAGE.—

(A) DRAFT GUIDANCE.—Not later than 18 months after the public meeting under paragraph (1), the Secretary shall update the final guidance titled ''National Coverage Determinations with Data Collection as a Condition of Coverage: Coverage with Evidence Development'' to address any opportunities to improve the availability and coordination of information as described in clauses (iv) through (vi) of paragraph (1)(C).

(B) FINAL GUIDANCE.—Not later than 12 months after issuing draft guidance under subparagraph (A), the Secretary shall finalize the updated guidance to address any such opportunities.

(b) REPORT ON CODING, COVERAGE, AND PAYMENT PROCESSES UNDER MEDICARE FOR NOVEL MEDICAL PRODUCTS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall publish a report on the Internet website of the Department of Health and Human Services regarding processes under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) with respect to the coding, coverage, and payment of novel medical products described in subsection (c). Such report shall include the following:

(1) A description of challenges in the coding, coverage, and payment processes under the Medicare program for novel medical products.

(2) Recommendations to—

(A) incorporate patient experience data (such as the impact of a disease or condition on the lives of patients and patient treatment preferences) into the coverage and payment processes within the Centers for Medicare & Medicaid Services;

(B) decrease the length of time to make national and local coverage determinations under the Medicare program (as those terms are defined in subparagraphs (A) and (B), respectively, of section 1862(l)(6) of the Social Security Act (42 U.S.C. 1395y(l)(6));

(C) streamline the coverage process under the Medicare program and incorporate input from relevant stakeholders into such coverage determinations; and

(D) identify potential mechanisms to incorporate novel payment designs similar to those in development in commercial insurance plans and State plans under title XIX of such Act (42 U.S.C. 1396 et seq.) into the Medicare program.

(c) NOVEL MEDICAL PRODUCTS DESCRIBED.—For purposes of this section, a novel medical product described in this subsection is a drug, including a biological product (including gene and cell therapy), or medical device, that has been designated as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), a breakthrough device under section 515B of such Act (21 U.S.C. 360e–3), or a regenerative advanced therapy under section 506(g) of such Act (21 U.S.C. 356(g)).

SEC. 14205. PATIENT CONSULTATION IN MEDICARE NATIONAL AND LOCAL COVERAGE DETERMINATIONS IN ORDER TO MITIGATE BARRIERS TO INCLUSION OF SUCH PERSPECTIVES.

Section 1862(l) of the Social Security Act (42 U.S.C. 1395y(l)) is amended by adding at the end the following new paragraph:

''(7) PATIENT CONSULTATION IN NATIONAL AND LOCAL COVERAGE DETERMINATIONS.—With respect to national coverage determinations, the Secretary, and with respect to local coverage determinations, the Medicare administrative contractor, may consult with patients and organizations representing patients, including patients with disabilities, in making national and local coverage determinations.''.

SEC. 14206. GAO STUDY ON INCREASES TO MEDICARE AND MEDICAID SPENDING DUE TO COPAYMENT COUPONS AND OTHER PATIENT ASSISTANCE PROGRAMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the impact of copayment coupons and other patient assistance programs on prescription drug pricing and expenditures within the Medicare and Medicaid programs. The study shall assess the following:

(1) The extent to which copayment coupons and other patient assistance programs contribute to inflated prescription drug prices under such programs.

(2) The impact copayment coupons and other patient assistance programs have in the Medicare Part D program established under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) on utilization of higher-cost brand drugs and lower utilization of generic drugs in that program.

(3) The extent to which manufacturers report or obtain tax benefits, including deductions of business expenses and charitable contributions, for any of the following:

(A) Offering copayment coupons or other patient assistance programs.

(B) Sponsoring manufacturer patient assistance programs.

(C) Paying for sponsorships at outreach and advocacy events organized by patient assistance programs.

(4) The efficacy of oversight conducted to ensure that independent charity patient assistance programs adhere to guidance from the Office of the Inspector General of the Department of Health and Human Services on avoiding waste, fraud, and abuse.

(b) DEFINITIONS.—In this section:

(1) INDEPENDENT CHARITY PATIENT ASSISTANCE PROGRAM.—The term ''independent charity patient assistance program'' means any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and which is not a private foundation (as defined in section 509(a) of such Code) that offers patient assistance.

(2) MANUFACTURER.—The term ''manufacturer'' has the meaning given that term in section 1927(k)(5) of the Social Security Act (42 U.S.C. 1396r–8(k)(5)).

(3) MANUFACTURER PATIENT ASSISTANCE PROGRAM.—The term ''manufacturer patient assistance program'' means an organization, including a private foundation (as so defined), that is sponsored by, or receives funding from, a manufacturer and that offers patient assistance. Such term does not include an independent charity patient assistance program.

(4) PATIENT ASSISTANCE.—The term ''patient assistance'' means assistance provided to offset the cost of drugs for individuals. Such term includes free products, coupons, rebates, copay or discount cards, and other means of providing assistance to individuals related to drug costs, as determined by the Secretary of Health and Human Services.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the findings of the study required under subsection (a).

SEC. 14207. MEDPAC REPORT ON SHIFTING COVERAGE OF CERTAIN MEDICARE PART B DRUGS TO MEDICARE PART D.

(a) STUDY.—The Medicare Payment Advisory Commission (in this section referred to as the ''Commission'') shall conduct a study on shifting coverage of certain drugs and biologicals for which payment is currently made under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) to part D of such title (42 U.S.C. 1395w–21 et seq.). Such study shall include an analysis of—

(1) differences in program structures and payment methods for drugs and biologicals covered under such parts B and D, including effects of such a shift on program spending, beneficiary cost-sharing liability, and utilization management techniques for such drugs and biologicals; and

(2) the feasibility and policy implications of shifting coverage of drugs and biologicals for which payment is currently made under such part B to such part D.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2023, the Commission shall submit to Congress a report containing the results of the study conducted under subsection (a).

(2) CONTENTS.—The report under paragraph (1) shall include information, and recommendations as the Commission deems appropriate, regarding—

(A) formulary design under such part D;

(B) the ability of the benefit structure under such part D to control total spending on drugs and biologicals for which payment is currently made under such part B;

(C) changes to the bid process under such part D, if any, that may be necessary to integrate coverage of such drugs and biologicals into such part D; and

(D) any other changes to the program that Congress should consider in determining whether to shift coverage of such drugs and biologicals from such part B to such part D.

SEC. 14208. TAKING STEPS TO FULFILL TREATY OBLIGATIONS TO TRIBAL COMMUNITIES.

(a) GAO STUDY.—The Comptroller General shall conduct a study regarding access to, and the cost of, prescription drugs among Indians. The study shall include—

(1) a review of what Indian health programs pay for prescription drugs on reservations, in urban centers, and in Tribal communities relative to other consumers;

(2) recommendations to align the value of prescription drug discounts available under the Medicaid drug rebate program established under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) with prescription drug discounts available to Tribal communities through the purchased/referred care program of the Indian Health Service for physician administered drugs; and

(3) an examination of how Tribal communities and urban Indian organizations utilize the Medicare part D program established under title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) and recommendations to improve enrollment among Indians in that program.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(c) DEFINITIONS.—In this section:

(1) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(2) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE.—The terms ''Indian'', ''Indian health program'', and ''Indian tribe'' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

PART 2—MEDICAID DRUG PRICING REFORMS

SEC. 14301. MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE IMPROVEMENTS.

(a) IN GENERAL.—Subparagraph (A) of section 1927(d)(4) of the Social Security Act (42 U.S.C. 1396r–8(d)(4)) is amended to read as follows:

''(A)(i) The formulary is developed and reviewed by a pharmacy and therapeutics committee consisting of physicians, pharmacists, and other appropriate individuals appointed by the Governor of the State.

''(ii) Subject to clause (vi), the State establishes and implements a conflict of interest policy for the pharmacy and therapeutics committee that—

''(I) is publicly accessible;

''(II) requires all committee members to complete, on at least an annual basis, a disclosure of relationships, associations, and financial dealings that may affect their independence of judgement in committee matters; and

''(III) contains clear processes, such as recusal from voting or discussion, for those members who report a conflict of interest, along with appropriate processes to address any instance where a member fails to report a conflict of interest.

''(iii) The membership of the pharmacy and therapeutics committee—

''(I) is made publicly available;

''(II) is composed of members who are independent and free of any conflict, including with respect to manufacturers, medicaid managed care entities, and pharmacy benefit managers; and

''(III) includes at least 1 actively practicing physician and at least 1 actively practicing pharmacist, each of whom has expertise in the care of 1 or more Medicaid-specific populations such as elderly or disabled individuals, children with complex medical needs, or low-income individuals with chronic illnesses.

''(iv) At the option of the State, the State's drug use review board established under subsection (g)(3) may serve as the pharmacy and therapeutics committee provided the State ensures that such board meets the requirements of clauses (ii) and (iii).

''(v) The State reviews and has final approval of the formulary established by the pharmacy and therapeutics committee.

''(vi) If the Secretary determines it appropriate or necessary based on the findings and recommendations of the Comptroller General of the United States in the report submitted to Congress under section 203 of the Prescription Drug Pricing Reduction Act of 2022, the Secretary shall issue guidance that States must follow for establishing conflict of interest policies for the pharmacy and therapeutics committee in accordance with the requirements of clause (ii), including appropriate standards and requirements for identifying, addressing, and reporting on conflicts of interest.''.

(b) APPLICATION TO MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Clause (xiii) of section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) by striking ''and (III)'' and inserting ''(III)'';

(B) by striking the period at the end and inserting '', and (IV) any formulary used by the entity for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity is developed and reviewed by a pharmacy and therapeutics committee that meets the requirements of clauses (ii) and (iii) of section 1927(d)(4)(A).''; and

(C) by moving the left margin 2 ems to the left.

(2) APPLICATION TO PIHPS AND PAHPS.—Section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)) is amended by adding at the end the following new paragraph:

''(10) No payment shall be made under this title to a State with respect to expenditures incurred by the State for payment for services provided by an other specified entity (as defined in paragraph (9)(D)(iii)) unless such services are provided in accordance with a contract between the State and the entity which satisfies the requirements of paragraph (2)(A)(xiii).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 14302. IMPROVING REPORTING REQUIREMENTS AND DEVELOPING STANDARDS FOR THE USE OF DRUG USE REVIEW BOARDS IN STATE MEDICAID PROGRAMS.

(a) IN GENERAL.—Section 1927(g)(3) of the Social Security Act (42 U.S.C. 1396r–8(g)(3)) is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The membership of the DUR Board shall include health care professionals who have recognized knowledge and expertise in one or more of the following:

''(I) The clinically appropriate prescribing of covered outpatient drugs.

''(II) The clinically appropriate dispensing and monitoring of covered outpatient drugs.

''(III) Drug use review, evaluation, and intervention.

''(IV) Medical quality assurance.

''(ii) MEMBERSHIP REQUIREMENTS.—The membership of the DUR Board shall—

''(I) be made publicly available;

''(II) be composed of members who are independent and free of any conflict, including with respect to manufacturers, medicaid managed care entities, and pharmacy benefit managers;

''(III) be made up of at least ⅓ but no more than 51 percent members who are licensed and actively practicing physicians and at least ⅓ members who are licensed and actively practicing pharmacists; and

''(IV) include at least 1 actively practicing physician and at least 1 actively practicing pharmacist, each of whom has expertise in the care of 1 or more Medicaid-specific populations such as elderly or disabled individuals, children with complex medical needs, or low-income individuals with chronic illnesses.

''(iii) CONFLICT OF INTEREST POLICY.—The State shall establish and implement a conflict of interest policy for the DUR Board that—

''(I) is publicly accessible;

''(II) requires all board members to complete, on at least an annual basis, a disclosure of relationships, associations, and financial dealings that may affect their independence of judgement in board matters; and

''(III) contains clear processes, such as recusal from voting or discussion, for those members who report a conflict of interest, along with appropriate processes to address any instance where a member fails to report a conflict of interest.''; and

(2) by adding at the end the following new subparagraph:

''(E) DUR BOARD MEMBERSHIP REPORTS.—

''(i) DUR BOARD REPORTS.—Each State shall require the DUR Board to prepare and submit to the State an annual report on the DUR Board membership. Each such report shall include any conflicts of interest with respect to members of the DUR Board that the DUR Board recorded or was aware of during the period that is the subject of the report, and the process applied to address such conflicts of interest, in addition to any other information required by the State.

''(ii) INCLUSION OF DUR BOARD MEMBERSHIP INFORMATION IN STATE REPORTS.—Each annual State report to the Secretary required under subparagraph (D) shall include—

''(I) the number of individuals serving on the State's DUR Board;

''(II) the names and professions of the individuals serving on such DUR Board;

''(III) any conflicts of interest or recusals with respect to members of such DUR Board reported by the DUR Board or that the State was aware of during the period that is the subject of the report; and

''(IV) whether the State has elected for such DUR Board to serve as the committee responsible for developing a State formulary under subsection (d)(4)(A).''.

(b) MANAGED CARE REQUIREMENTS.—Section 1932(i) of the Social Security Act (42 U.S.C. 1396u–2(i)) is amended—

(1) by inserting ''and each contract under a State plan with an other specified entity (as defined in section 1903(m)(9)(D)(iii))'' after ''under section 1903(m)'';

(2) by striking ''section 483.3(s)(4)'' and inserting ''section 438.3(s)(4)'';

(3) by striking ''483.3(s)(5)'' and inserting ''438.3(s)(5)''; and

(4) by adding at the end the following: ''Such a managed care entity or other specified entity shall not be considered to be in compliance with the requirement of such section 438.3(s)(5) that the entity provide a detailed description of its drug utilization review activities unless the entity includes a description of the prospective drug review activities described in paragraph (2)(A) of section 1927(g) and the activities listed in paragraph (3)(C) of section 1927(g), makes the underlying drug utilization review data available to the State and the Secretary, and provides such other information as deemed appropriate by the Secretary.''.

(c) DEVELOPMENT OF NATIONAL STANDARDS FOR MEDICAID DRUG USE REVIEW.—The Secretary of Health and Human Services may promulgate regulations or guidance establishing national standards for Medicaid drug use review programs under section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(g)) and drug utilization review activities and requirements under section 1932(i) of such Act (42 U.S.C. 1396u–2(i)), for the purpose of aligning review criteria for prospective and retrospective drug use review across all State Medicaid programs.

(d) CMS GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance—

(1) outlining steps that States must take to come into compliance with statutory and regulatory requirements for prospective and retrospective drug use review under section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(g)) and drug utilization review activities and requirements under section 1932(i) of such Act (42 U.S.C. 1396u–2(i)) (including with respect to requirements that were in effect before the date of enactment of this Act); and

(2) describing the actions that the Secretary will take to enforce such requirements.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 18 months after the date of enactment of this Act.

SEC. 14303. GAO REPORT ON CONFLICTS OF INTEREST IN STATE MEDICAID PROGRAM DRUG USE REVIEW BOARDS AND PHARMACY AND THERAPEUTICS (P&T) COMMITTEES.

(a) INVESTIGATION.—The Comptroller General of the United States shall conduct an investigation of potential or existing conflicts of interest among members of State Medicaid program State drug use review boards (in this section referred to as ''DUR Boards'') and pharmacy and therapeutics committees (in this section referred to as ''P&T Committees'').

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the investigation conducted under subsection (a) that includes the following:

(1) A description outlining how DUR Boards and P&T Committees operate in States, including details with respect to—

(A) the structure and operation of DUR Boards and statewide P&T Committees;

(B) States that operate separate P&T Committees for their fee-for-service Medicaid program and their Medicaid managed care organizations or other Medicaid managed care arrangements (including other specified entities (as defined in section 1903(m)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1396b(m)(9)(D)(iii)) and collectively referred to in this section as ''Medicaid MCOs''); and

(C) States that allow Medicaid MCOs to have their own P&T Committees and the extent to which pharmacy benefit managers administer or participate in such P&T Committees.

(2) A description outlining the differences between DUR Boards established in accordance with section 1927(g)(3) of the Social Security Act (42 U.S.C. 1396r(g)(3)) and P&T Committees.

(3) A description outlining the tools P&T Committees may use to determine Medicaid drug coverage and utilization management policies.

(4) An analysis of whether and how States or P&T Committees establish participation and independence requirements for DUR Boards and P&T Committees, including with respect to entities with connections with drug manufacturers, State Medicaid programs, managed care organizations, and other entities or individuals in the pharmaceutical industry.

(5) A description outlining how States, DUR Boards, or P&T Committees define conflicts of interest.

(6) A description of how DUR Boards and P&T Committees address conflicts of interest, including who is responsible for implementing such policies.

(7) A description of the tools, if any, States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees.

(8) An analysis of the effectiveness of tools States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees and, if applicable, recommendations as to how such tools could be improved.

(9) A review of strategies States may use to guard against conflicts of interest on DUR Boards and P&T Committees and to ensure compliance with the requirements of titles XI and XIX of the Social Security Act (42 U.S.C. 1301 et seq., 1396 et seq.) and access to effective, clinically appropriate, and medically necessary drug treatments for Medicaid beneficiaries, including recommendations for such legislative and administrative actions as the Comptroller General determines appropriate.

SEC. 14304. ENSURING THE ACCURACY OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION UNDER THE MEDICAID DRUG REBATE PROGRAM.

(a) AUDIT OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1927(b)(3) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) is amended to read as follows:

''(B) AUDITS AND SURVEYS OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION.—

''(i) AUDITS.—The Secretary shall conduct regular audits of the price and drug product information reported by manufacturers under subparagraph (A) for the most recently ended rebate period to ensure the accuracy and timeliness of such information. In conducting such audits, the Secretary may employ evaluations, surveys, statistical sampling, predictive analytics and other relevant tools and methods.

''(ii) VERIFICATIONS SURVEYS OF AVERAGE MANUFACTURER PRICE AND MANUFACTURER'S AVERAGE SALES PRICE.—In addition to the audits required under clause (i), the Secretary may survey wholesalers and manufacturers (including manufacturers that directly distribute their covered outpatient drugs (in this subparagraph referred to as 'direct sellers')), when necessary, to verify manufacturer prices and manufacturer's average sales prices (including wholesale acquisition cost) to make payment reported under subparagraph (A).

''(iii) PENALTIES.—In addition to other penalties as may be prescribed by law, including under subparagraph (C) of this paragraph, the Secretary may impose a civil monetary penalty in an amount not to exceed $185,000 on an annual basis on a wholesaler, manufacturer, or direct seller, if the wholesaler, manufacturer, or direct seller of a covered outpatient drug refuses a request for information about charges or prices by the Secretary in connection with an audit or survey under this subparagraph or knowingly provides false information. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(iv) REPORTS.—

''(I) REPORT TO CONGRESS.—The Secretary shall, not later than 18 months after date of enactment of this subparagraph, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate regarding additional regulatory or statutory changes that may be required in order to ensure accurate and timely reporting and oversight of manufacturer price and drug product information, including whether changes should be made to reasonable assumption requirements to ensure such assumptions are reasonable and accurate or whether another methodology for ensuring accurate and timely reporting of price and drug product information should be considered to ensure the integrity of the drug rebate program under this section.

''(II) ANNUAL REPORTS.—The Secretary shall, on at least an annual basis, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate summarizing the results of the audits and surveys conducted under this subparagraph during the period that is the subject of the report.

''(III) CONTENT.—Each report submitted under subclause (II) shall, with respect to the period that is the subject of the report, include summaries of—

''(aa) error rates in the price, drug product, and other relevant information supplied by manufacturers under subparagraph (A);

''(bb) the timeliness with which manufacturers, wholesalers, and direct sellers provide information required under subparagraph (A) or under clause (i) or (ii) of this subparagraph;

''(cc) the number of manufacturers, wholesalers, and direct sellers and drug products audited under this subparagraph;

''(dd) the types of price and drug product information reviewed under the audits conducted under this subparagraph;

''(ee) the tools and methodologies employed in such audits;

''(ff) the findings of such audits, including which manufacturers, if any, were penalized under this subparagraph; and

''(gg) such other relevant information as the Secretary shall deem appropriate.

''(IV) PROTECTION OF INFORMATION.—In preparing a report required under subclause (II), the Secretary shall redact such proprietary information as the Secretary determines appropriate to prevent disclosure of, and to safeguard, such information.

''(v) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary $2,000,000 for fiscal year 2022 and each fiscal year thereafter to carry out this subparagraph.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

(b) INCREASED PENALTIES FOR NONCOMPLIANCE WITH REPORTING REQUIREMENTS.—

(1) INCREASED PENALTY FOR FAILURE TO PROVIDE TIMELY INFORMATION.—Section 1927(b)(3)(C)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(C)(i)) is amended by striking ''increased by $10,000 for each day in which such information has not been provided and such amount shall be paid to the Treasury'' and inserting '', for each covered outpatient drug with respect to which such information is not provided, $50,000 for the first day that such information is not provided on a timely basis and $19,000 for each subsequent day that such information is not provided (with such amounts being paid to the Treasury),''.

(2) INCREASED PENALTY FOR KNOWINGLY REPORTING FALSE INFORMATION.—Section 1927(b)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(C)(ii)) is amended by striking ''$100,000'' and inserting ''$500,000''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to affect the application of the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) to any civil penalty amount under section 1927 of the Social Security Act (42 U.S.C. 1396r–8).

SEC. 14305. APPLYING MEDICAID DRUG REBATE REQUIREMENT TO DRUGS PROVIDED AS PART OF OUTPATIENT HOSPITAL SERVICES.

(a) IN GENERAL.—Section 1927(k)(3) of the Social Security Act (42 U.S.C. 1396r–8(k)(3)) is amended to read as follows:

''(3) LIMITING DEFINITION.—

''(A) IN GENERAL.—The term 'covered outpatient drug' does not include any drug, biological product, or insulin provided as part of, or as incident to and in the same setting as, any of the following (and for which payment may be made under this title as part of payment for the following and not as direct reimbursement for the drug):

''(i) Inpatient hospital services.

''(ii) Hospice services.

''(iii) Dental services, except that drugs for which the State plan authorizes direct reimbursement to the dispensing dentist are covered outpatient drugs.

''(iv) Physicians' services.

''(v) Outpatient hospital services.

''(vi) Nursing facility services and services provided by an intermediate care facility for the mentally retarded.

''(vii) Other laboratory and x-ray services.

''(viii) Renal dialysis.

''(B) OTHER EXCLUSIONS.—Such term also does not include any such drug or product for which a National Drug Code number is not required by the Food and Drug Administration or a drug or biological used for a medical indication which is not a medically accepted indication.

''(C) STATE OPTION.—At the option of a State, such term may include any drug, biological product, or insulin provided on an outpatient basis as part of, or as incident to and in the same setting as, services described in clause (iv) or (v) of subparagraph (A) (such as a drug, biological product, or insulin being provided as part of a bundled payment).

''(D) NO EFFECT ON BEST PRICE.—Any drug, biological product, or insulin excluded from the definition of such term as a result of this paragraph shall be treated as a covered outpatient drug for purposes of determining the best price (as defined in subsection (c)(1)(C)) for such drug, biological product, or insulin.''.

(b) EFFECTIVE DATE; IMPLEMENTATION GUIDANCE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

(2) IMPLEMENTATION AND GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance and relevant informational bulletins for States, manufacturers (as defined in section 1927(k)(5) of the Social Security Act (42 U.S.C. 1396r–8(k)(5)), and other relevant stakeholders, including health care providers, regarding implementation of the amendment made by subsection (a).

SEC. 14306. IMPROVING TRANSPARENCY AND PREVENTING THE USE OF ABUSIVE SPREAD PRICING AND RELATED PRACTICES IN MEDICAID.

(a) PASS-THROUGH PRICING REQUIRED.—

(1) IN GENERAL.—Section 1927(e) of the Social Security Act (42 U.S.C. 1396r–8(e)) is amended by adding at the end the following:

''(6) PASS-THROUGH PRICING REQUIRED.—A contract between the State and a pharmacy benefit manager (referred to in this paragraph as a 'PBM'), or a contract between the State and a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D)) that includes provisions making the entity responsible for coverage of covered outpatient drugs dispensed to individuals enrolled with the entity, shall require that payment for such drugs (excluding, at the option of the State, any drug that is subject to an agreement under section 340B of the Public Health Service Act) and related administrative services (as applicable), including payments made by a PBM on behalf of the State or entity, is based on a pass-through pricing model under which—

''(A) any payment made by the entity or the PBM (as applicable) for such a drug—

''(i) is limited to—

''(I) ingredient cost; and

''(II) a professional dispensing fee that is not less than the professional dispensing fee that the State plan or waiver would pay if the plan or waiver was making the payment directly;

''(ii) is passed through in its entirety by the entity or PBM to the pharmacy that dispenses the drug; and

''(iii) is made in a manner that is consistent with section 1902(a)(30)(A) and sections 447.512, 447.514, and 447.518 of title 42, Code of Federal Regulations (or any successor regulation) as if such requirements applied directly to the entity or the PBM;

''(B) payment to the entity or the PBM (as applicable) for administrative services performed by the entity or PBM is limited to a reasonable administrative fee that covers the reasonable cost of providing such services;

''(C) the entity or the PBM (as applicable) shall make available to the State, and the Secretary upon request, all costs and payments related to covered outpatient drugs and accompanying administrative services incurred, received, or made by the entity or the PBM, including ingredient costs, professional dispensing fees, administrative fees, post-sale and post-invoice fees, discounts, or related adjustments such as direct and indirect remuneration fees, and any and all other remuneration; and

''(D) any form of spread pricing whereby any amount charged or claimed by the entity or the PBM (as applicable) is in excess of the amount paid to the pharmacies on behalf of the entity, including any post-sale or post-invoice fees, discounts, effective rate contract adjustments, or related adjustments such as direct and indirect remuneration fees or assessments (after allowing for a reasonable administrative fee as described in subparagraph (B)) is not allowable for purposes of claiming Federal matching payments under this title.''.

(2) CONFORMING AMENDMENT.—Section 1903(m)(2)(A)(xiii) of such Act (42 U.S.C. 1396b(m)(2)(A)(xiii)), as amended by section 14301(b)(1), is amended—

(A) by striking ''and (IV)'' and inserting ''(IV)''; and

(B) by inserting before the period at the end the following: '', and (V) pharmacy benefit management services provided by the entity, or provided by a pharmacy benefit manager on behalf of the entity under a contract or other arrangement between the entity and the pharmacy benefit manager, shall

comply with the requirements of section 1927(e)(6)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply to contracts between States and managed care entities, other specified entities, or pharmacy benefits managers that are entered into or renewed on or after the date that is 18 months after the date of enactment of this Act.

(b) SURVEY OF RETAIL PRICES.—

(1) IN GENERAL.—Section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)) is amended—

(A) by striking ''and'' after the semicolon at the end of paragraph (1)(A)(i) and all that precedes it through ''(1)'' and inserting the following:

''(1) SURVEY OF RETAIL PRICES.—The Secretary shall conduct a survey of retail community drug prices, to include at least the national average drug acquisition cost, as follows:

''(A) USE OF VENDOR.—The Secretary may contract services for—

''(i) with respect to retail community pharmacies, the determination on a monthly basis of retail survey prices of the national average drug acquisition cost for covered outpatient drugs for such pharmacies, net of all discounts and rebates (to the extent any information with respect to such discounts and rebates is available), the average reimbursement received for such drugs by such pharmacies from all sources of payment, including third parties, and, to the extent available, the usual and customary charges to consumers for such drugs; and'';

(B) by adding at the end of paragraph (1) the following:

''(F) SURVEY REPORTING.—In order to meet the requirement of section 1902(a)(54), a State shall require that any retail community pharmacy in the State that receives any payment, administrative fee, discount, or rebate related to the dispensing of covered outpatient drugs to individuals receiving benefits under this title, regardless of whether such payment, fee, discount, or rebate is received from the State or a managed care entity directly or from a pharmacy benefit manager or another entity that has a contract with the State or a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D)), shall respond to surveys of retail prices conducted under this subsection.

''(G) SURVEY INFORMATION.—Information on retail community prices obtained under this paragraph shall be made publicly available and shall include at least the following:

''(i) The monthly response rate of the survey including a list of pharmacies not in compliance with subparagraph (F).

''(ii) The sampling frame and number of pharmacies sampled monthly.

''(iii) Characteristics of reporting pharmacies, including type (such as independent or chain), geographic or regional location, and dispensing volume.

''(iv) Reporting of a separate national average drug acquisition cost for each drug for independent retail pharmacies and chain operated pharmacies.

''(v) Information on price concessions including on and off invoice discounts, rebates, and other price concessions.

''(vi) Information on average professional dispensing fees paid.

''(H) PENALTIES.—

''(i) FAILURE TO PROVIDE TIMELY INFORMATION.—A retail community pharmacy that knowingly fails to respond to a survey conducted under this subsection on a timely basis may be subject to a civil monetary penalty in an amount not to exceed $10,000 for each day in which such information has not been provided.

''(ii) FALSE INFORMATION.—A retail community pharmacy that knowingly provides false information in response to a survey conducted under this subsection may be subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information.

''(iii) OTHER PENALTIES.—Any civil money penalties imposed under this subparagraph shall be in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(I) REPORT ON SPECIALTY DRUGS AND PHARMACIES.—

''(i) IN GENERAL.—Not later than 18 months after the effective date of this subparagraph, the Secretary shall submit a report to Congress examining specialty drug coverage and reimbursement under this title.

''(ii) CONTENT OF REPORT.—Such report shall include a description of how State Medicaid programs define specialty drugs, how much State Medicaid programs pay for specialty drugs, how States and managed care plans determine payment for specialty drugs, the settings in which specialty drugs are dispensed (such as retail community pharmacies or specialty pharmacies), whether acquisition costs for specialty drugs are captured in the national average drug acquisition cost survey, and recommendations as to whether specialty pharmacies should be included in the survey of retail prices to ensure national average drug acquisition costs capture drugs sold at specialty pharmacies and how such specialty pharmacies should be defined.'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting '', including payment rates under Medicaid managed care plans,'' after ''under this title''; and

(ii) in subparagraph (B), by inserting ''and the basis for such dispensing fees'' before the semicolon; and

(D) in paragraph (4), by inserting '', and $5,000,000 for fiscal year 2023 and each fiscal year thereafter,'' after ''2010''.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the 1st day of the 1st quarter that begins on or after the date that is 18 months after the date of enactment of this Act.

(c) MANUFACTURER REPORTING OF WHOLESALE ACQUISITION COST.—Section 1927(b)(3) of such Act (42 U.S.C. 1396r–8(b)(3)) is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (I), by striking ''and'' after the semicolon;

(B) in subclause (II), by adding ''and'' after the semicolon;

(C) by moving the left margins of subclause (I) and (II) 2 ems to the right; and

(D) by adding at the end the following:

''(III) in the case of rebate periods that begin on or after the date of enactment of this subclause, on the wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for covered outpatient drugs for the rebate period under the agreement (including for all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act);''; and

(2) in subparagraph (D)—

(A) in the matter preceding clause (i), by inserting ''and clause (viii) of this subparagraph'' after ''1847A'';

(B) in clause (vi), by striking ''and'' after the comma;

(C) in clause (vii), by striking the period and inserting '', and''; and

(D) by inserting after clause (vii) the following:

''(viii) to the Secretary to disclose (through a website accessible to the public) the most recently reported wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for each covered outpatient drug (including for all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act), as reported under subparagraph (A)(i)(III).''.

SEC. 14307. T–MSIS DRUG DATA ANALYTICS REPORTS.

(a) IN GENERAL.—Not later than May 1 of each calendar year beginning with calendar year 2021, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall publish on a website of the Centers for Medicare & Medicaid Services that is accessible to the public a report of the most recently available data on patterns related to prescriptions filled by providers and reimbursed under the Medicaid program.

(b) CONTENT OF REPORT.—

(1) REQUIRED CONTENT.—Each report required under subsection (a) for a calendar year shall include the following information with respect to each State (and, to the extent available, with respect to Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa):

(A) A comparison of covered outpatient drug (as defined in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2))) prescribing patterns under the State Medicaid plan or waiver of such plan (including drugs prescribed on a fee-for-service basis and drugs prescribed under managed care arrangements under such plan or waiver)—

(i) across all available forms or models of reimbursement used under the plan or waiver;

(ii) within specialties and subspecialties, as defined by the Secretary;

(iii) by episodes of care for—

(I) each chronic disease category, as defined by the Secretary, that is represented in the 10 conditions that accounted for the greatest share of total spending under the plan or waiver during the year that is the subject of the report;

(II) procedural groupings; and

(III) rare disease diagnosis codes (except where the inclusion of such information would jeopardize the privacy of an individual, as determined by the Secretary);

(iv) by patient demographic characteristics, including race (to the extent that the Secretary determines that there is sufficient data available with respect to such characteristic in a majority of States and that inclusion of such characteristic would not jeopardize the privacy of the individual), gender, and age;

(v) by patient high-utilizer or risk status; and

(vi) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(B) In the case of medical assistance for covered outpatient drugs (as so defined) provided under a State Medicaid plan or waiver of such plan in a managed care setting, an analysis of the differences in managed care prescribing patterns when a covered outpatient drug is prescribed in a managed care setting as compared to when the drug is prescribed in a fee-for-service setting.

(2) ADDITIONAL CONTENT.—To the extent available, a report required under subsection (a) for a calendar year may include State-specific information about prescription utilization management tools under State Medicaid plans or waivers of such plans, including—

(A) a description of prescription utilization management tools under State programs to provide long-term services and supports under a State Medicaid plan or a waiver of such plan;

(B) a comparison of prescription utilization management tools applicable to populations covered under a State Medicaid plan waiver under section 1115 of the Social Security Act (42 U.S.C. 1315) and the models applicable to populations that are not covered under the waiver;

(C) a comparison of the prescription utilization management tools employed by different Medicaid managed care organizations, pharmacy benefit managers, and related entities within the State;

(D) a comparison of the prescription utilization management tools applicable to each enrollment category under a State Medicaid plan or waiver; and

(E) a comparison of the prescription utilization management tools applicable under the State Medicaid plan or waiver by patient high-utilizer or risk status.

(3) ADDITIONAL ANALYSIS.—To the extent practicable, the Secretary shall include in each report published under subsection (a)—

(A) analyses of national, State, and local patterns of Medicaid population-based prescribing behaviors (including an analysis of the impact of non-filled prescriptions on identifying such patterns); and

(B) recommendations for administrative or legislative action to improve the effectiveness of, and reduce costs for, covered outpatient drugs under Medicaid while ensuring timely beneficiary access to medically necessary covered outpatient drugs.

(c) USE OF T–MSIS DATA.—Each report required under subsection (a) shall, to the extent practicable—

(1) be prepared using data and definitions from the Transformed Medicaid Statistical Information System (''T–MSIS'') data set (or a successor data set) that is not more than 24 months old on the date that the report is published; and

(2) as appropriate, include a description with respect to each State of the quality and completeness of the data, as well as any necessary caveats describing the limitations of the data reported to the Secretary by the State that are sufficient to communicate the appropriate uses for the information.

(d) PREPARATION OF REPORT.—Each report required under subsection (a) shall be prepared by the Administrator for the Centers for Medicare & Medicaid Services.

(e) APPROPRIATION.—For fiscal year 2022 and each fiscal year thereafter, there is appropriated to the Secretary $2,000,000 to carry out this section.

SEC. 14308. RISK-SHARING VALUE-BASED PAYMENT AGREEMENTS FOR COVERED OUTPATIENT DRUGS UNDER MEDICAID.

(a) IN GENERAL.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended by adding at the end the following new subsection:

''(l) STATE OPTION TO PAY FOR COVERED OUTPATIENT DRUGS THROUGH RISK-SHARING VALUE-BASED AGREEMENTS.—

''(1) IN GENERAL.—Beginning January 1, 2024, a State shall have the option to pay (whether on a fee-for-service or managed care basis) for covered outpatient drugs that are potentially curative treatments intended for one-time use that are administered to individuals under this title by entering into a risk-sharing value-based payment agreement with the manufacturer of the drug in accordance with the requirements of this subsection.

''(2) SECRETARIAL APPROVAL.—

''(A) IN GENERAL.—A State shall submit a request to the Secretary to enter into a risk-sharing value-based payment agreement, and the Secretary shall not approve a proposed risk-sharing value-based payment agreement between a State and a manufacturer for payment for a covered outpatient drug of the manufacturer unless the following requirements are met:

''(i) MANUFACTURER HAS IN EFFECT A REBATE AGREEMENT AND IS IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS.—The manufacturer has a rebate agreement in effect as required under subsections (a) and (b) of this section and is in compliance with all applicable requirements under this title.

''(ii) NO EXPECTED INCREASE TO PROJECTED NET FEDERAL SPENDING.—

''(I) IN GENERAL.—The Chief Actuary certifies that the projected payments for each covered outpatient drug under a proposed risk-sharing value-based payment agreement is not expected to result in greater estimated Federal spending under this title than the net Federal spending that would result in the absence of such agreement.

''(II) NET FEDERAL SPENDING DEFINED.—For purposes of this subsection, the term 'net Federal spending' means the amount of Federal payments the Chief Actuary estimates would be made under this title for administering a covered outpatient drug to an individual eligible for medical assistance under a State plan or a waiver of such plan, reduced by the amount of all rebates the Chief Actuary estimates would be paid with respect to the administering of such drug, including all rebates under this title and any supplemental or other additional rebates, in the absence of such an agreement.

''(III) INFORMATION.—The Chief Actuary shall make the certifications required under this clause based on the most recently available and reliable drug pricing and product information. The State and manufacturer shall provide the Secretary and the Chief Actuary with all necessary information required to make the estimates needed for such certifications.

''(iii) LAUNCH AND LIST PRICE JUSTIFICATIONS.—The manufacturer submits all relevant information and supporting documentation necessary for pricing decisions as deemed appropriate by the Secretary, which shall be truthful and non-misleading, including manufacturer information and supporting documentation for launch price or list price increases, and any applicable justification required under section 1128L.

''(iv) CONFIDENTIALITY OF INFORMATION; PENALTIES.—The provisions of subparagraphs (C) and (D) of subsection (b)(3) shall apply to a manufacturer that fails to submit the information and documentation required under clauses (ii) and (iii) on a timely basis, or that knowingly provides false or misleading information, in the same manner as such provisions apply to a manufacturer with a rebate agreement under this section.

''(B) CONSIDERATION OF STATE REQUEST FOR APPROVAL.—

''(i) IN GENERAL.—The Secretary shall treat a State request for approval of a risk-sharing value-based payment agreement in the same manner that the Secretary treats a State plan amendment, and subpart B of part 430 of title 42, Code of Federal Regulations, including, subject to clause (ii), the timing requirements of section 430.16 of such title (as in effect on the date of enactment of this subsection), shall apply to a request for approval of a risk-sharing value-based payment agreement in the same manner as such subpart applies to a State plan amendment.

''(ii) TIMING.—The Secretary shall consult with the Commissioner of Food and Drugs as required under subparagraph (C) and make a determination on whether to approve a request from a State for approval of a proposed risk-sharing value-based payment agreement (or request additional information necessary to allow the Secretary to make a determination with respect to such request for approval) within the time period, to the extent practicable, specified in section 430.16 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this subsection), but in no case shall the Secretary take more than 180 days after the receipt of such request for approval or response to such request for additional information to make such a determination (or request additional information).

''(C) CONSULTATION WITH THE COMMISSIONER OF FOOD AND DRUGS.—In considering whether to approve a risk-sharing value-based payment agreement, the Secretary, to the extent necessary, shall consult with the Commissioner of Food and Drugs to determine whether the relevant clinical parameters specified in such agreement are appropriate.

''(3) INSTALLMENT-BASED PAYMENT STRUCTURE.—

''(A) IN GENERAL.—A risk-sharing value-based payment agreement shall provide for a payment structure under which, for every installment year of the agreement (subject to subparagraph (B)), the State shall pay the total installment year amount in equal installments to be paid at regular intervals over a period of time that shall be specified in the agreement.

''(B) REQUIREMENTS FOR INSTALLMENT PAYMENTS.—

''(i) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) for an installment year not later than 30 days after the end of such year.

''(ii) LENGTH OF INSTALLMENT PERIOD.—The period of time over which the State shall make the installment payments described in subparagraph (A) for an installment year shall not be longer than 5 years.

''(iii) NONPAYMENT OR REDUCED PAYMENT OF INSTALLMENTS FOLLOWING A FAILURE TO MEET CLINICAL PARAMETER.—If, prior to the payment date (as specified in the agreement) of any installment payment described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that—

''(I) the installment payment shall not be made; or

''(II) the installment payment shall be reduced by a percentage specified in the agreement that is based on the outcome achieved by the drug relative to the relevant clinical parameter.

''(4) NOTICE OF INTENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), a manufacturer of a covered outpatient drug shall not be eligible to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug unless the manufacturer notifies the Secretary that the manufacturer is interested in entering into such an agreement with respect to such drug. The decision to submit and timing of a request to enter into a proposed risk-sharing value-based payment agreement shall remain solely within the discretion of the State and shall only be effective upon Secretarial approval as required under this subsection.

''(B) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—

''(i) IN GENERAL.—In the case of a manufacturer of a covered outpatient drug designated under section 526 of the Federal Food, Drug, and Cosmetics Act, and approved under section 505 of such Act or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act after the

date of enactment of this subsection, not more than 90 days after meeting with the Food and Drug Administration following phase II clinical trials for such drug (or, in the case of a drug described in clause (ii), not later than March 31, 2022), the manufacturer must notify the Secretary of the manufacturer's intent to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug. If no such meeting has occurred, the Secretary may use discretion as to whether a potentially curative treatment intended for one-time use may qualify for a risk-sharing value-based payment agreement under this section. A manufacturer notification of interest shall not have any influence on a decision for drug approval by the Food and Drug Administration.

''(ii) APPLICATION TO CERTAIN SUBSEQUENTLY APPROVED DRUGS.—A drug described in this clause is a covered outpatient drug of a manufacturer—

''(I) that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act after the date of enactment of this subsection; and

''(II) with respect to which, as of January 1, 2024, more than 90 days have passed after the manufacturer's meeting with the Food and Drug Administration following phase II clinical trials for such drug.

''(iii) PARALLEL APPROVAL.—The Secretary, in coordination with the Administrator of the Centers for Medicare & Medicaid Services and the Commissioner of Food and Drugs, shall, to the extent practicable, approve a State's request to enter into a proposed risk-sharing value-based payment agreement that otherwise meets the requirements of this subsection at the time that such a drug is approved by the Food and Drug Administration to help provide that no State that wishes to enter into such an agreement is required to pay for the drug in full at one time if the State is seeking to pay over a period of time as outlined in the proposed agreement.

''(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be applied or construed to modify or affect the timeframes or factors involved in the Secretary's determination of whether to approve or license a drug under section 505 of the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act.

''(5) SPECIAL PAYMENT RULES.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, with respect to an individual who is administered a unit of a covered outpatient drug that is reimbursed under a State plan by a State Medicaid agency under a risk-sharing value-based payment agreement in an installment year, the State shall remain liable to the manufacturer of such drug for payment for such unit without regard to whether the individual remains enrolled in the State plan under this title (or a waiver of such plan) for each installment year for which the State is to make installment payments for covered outpatient drugs purchased under the agreement in such year.

''(B) DEATH.—In the case of an individual described in subparagraph (A) who dies during the period described in such subparagraph, the State plan shall not be liable for any remaining payment for the unit of the covered outpatient drug administered to the individual which is owed under the agreement described in such subparagraph.

''(C) WITHDRAWAL OF APPROVAL.—In the case of a covered outpatient drug that is the subject of a risk-sharing value-based payment agreement between a State and a manufacturer under this subsection, including a drug approved in accordance with section 506(c) of the Federal Food, Drug, and Cosmetic Act, and such drug is the subject of an application that has been withdrawn by the Secretary, the State plan shall not be liable for any remaining payment that is owed under the agreement.

''(D) ALTERNATIVE ARRANGEMENT UNDER AGREEMENT.—Subject to approval by the Secretary, the terms of a proposed risk-sharing value-based payment agreement submitted for approval by a State may provide that subparagraph (A) shall not apply.

''(E) GUIDANCE.—Not later than January 1, 2024, the Secretary shall issue guidance to States establishing a process for States to notify the Secretary when an individual who is administered a unit of a covered outpatient drug that is purchased by a State plan under a risk-sharing value-based payment agreement ceases to be enrolled under the State plan under this title (or a waiver of such plan) or dies before the end of the installment period applicable to such unit under the agreement.

''(6) TREATMENT OF PAYMENTS UNDER RISK-SHARING VALUE-BASED AGREEMENTS FOR PURPOSES OF AVERAGE MANUFACTURER PRICE; BEST PRICE.—The Secretary shall treat any payments made to the manufacturer of a covered outpatient drug under a risk-sharing value-based payment agreement under this subsection during a rebate period in the same manner that the Secretary treats payments made under a State supplemental rebate agreement under sections 447.504(c)(19) and 447.505(c)(7) of title 42, Code of Federal Regulations (or any successor regulations) for purposes of determining average manufacturer price and best price under this section with respect to the covered outpatient drug and a rebate period and for purposes of offsets required under subsection (b)(1)(B).

''(7) ASSESSMENTS AND REPORT TO CONGRESS.—

''(A) ASSESSMENTS.—

''(i) IN GENERAL.—Not later than 180 days after the end of each assessment period of any risk-sharing value-based payment agreement for a State approved under this subsection, the Secretary shall conduct an evaluation of such agreement which shall include an evaluation by the Chief Actuary to determine whether program spending under the risk-sharing value-based payment agreement aligned with the projections for the agreement made under paragraph (2)(A)(ii), including an assessment of whether actual Federal spending under this title under the agreement was less or more than net Federal spending would have been in the absence of the agreement.

''(ii) ASSESSMENT PERIOD.—For purposes of clause (i)—

''(I) the first assessment period for a risk-sharing value-based payment agreement shall be the period of time over which payments are scheduled to be made under the agreement for the first 10 individuals who are administered covered outpatient drugs under the agreement except that such period shall not exceed the 5-year period after the date on which the Secretary approves the agreement; and

''(II) each subsequent assessment period for a risk-sharing value-based payment agreement shall be the 5-year period following the end of the previous assessment period.

''(B) RESULTS OF ASSESSMENTS.—

''(i) TERMINATION OPTION.—If the Secretary determines as a result of the assessment by the Chief Actuary under subparagraph (A) that the actual Federal spending under this title for any covered outpatient drug that was the subject of the State's risk-sharing value-based payment agreement was greater than the net Federal spending that would have resulted in the absence of the agreement, the Secretary may terminate approval of such agreement and shall immediately conduct an assessment under this paragraph of any other ongoing risk-sharing value-based payment agreement to which the same manufacturer is a party.

''(ii) REPAYMENT REQUIRED.—

''(I) IN GENERAL.—If the Secretary determines as a result of the assessment by the Chief Actuary under subparagraph (A) that the Federal spending under the risk-sharing value-based agreement for a covered outpatient drug that was subject to such agreement was greater than the net Federal spending that would have resulted in the absence of the agreement, the manufacturer shall repay the difference to the State and Federal governments in a timely manner as determined by the Secretary.

''(II) TERMINATION FOR FAILURE TO PAY.—The failure of a manufacturer to make repayments required under subclause (I) in a timely manner shall result in immediate termination of all risk-sharing value-based agreements to which the manufacturer is a party.

''(III) ADDITIONAL PENALTIES.—In the case of a manufacturer that fails to make repayments required under subclause (I), the Secretary may treat such manufacturer in the same manner as a manufacturer that fails to pay required rebates under this section, and the Secretary may—

''(aa) suspend or terminate the manufacturer's rebate agreement under this section; and

''(bb) pursue any other remedy that would be available if the manufacturer had failed to pay required rebates under this section.

''(C) REPORT TO CONGRESS.—Not later than 5 years after the first risk-sharing value-based payment agreement is approved under this subsection, the Secretary shall submit to Congress and make available to the public a report that includes—

''(i) an assessment of the impact of risk-sharing value-based payment agreements on access for individuals who are eligible for benefits under a State plan or waiver under this title to medically necessary covered outpatient drugs and related treatments;

''(ii) an analysis of the impact of such agreements on overall State and Federal spending under this title;

''(iii) an assessment of the impact of such agreements on drug prices, including launch price and price increases; and

''(iv) such recommendations to Congress as the Secretary deems appropriate.

''(8) GUIDANCE AND REGULATIONS.—

''(A) IN GENERAL.—Not later than January 1, 2024, the Secretary shall issue guidance to States seeking to enter into risk-sharing value-based payment agreements under this subsection that includes a model template for such agreements. The Secretary may issue any additional guidance or promulgate regulations as necessary to implement and enforce the provisions of this subsection.

''(B) MODEL AGREEMENTS.—

''(i) IN GENERAL.—If a State expresses an interest in pursuing a risk-sharing value-based payment agreement under this subsection with a manufacturer for the purchase of a covered outpatient drug, the Secretary may share with such State any risk-sharing value-based agreement between a State and the manufacturer for the purchase of such drug that has been approved under this subsection. While such shared agreement may serve as a template for a State that wishes to propose, the use of a previously approved agreement shall not affect the submission and approval process for approval of a proposed risk-sharing value-based payment agreement under this subsection, including the requirements under paragraph (2)(A).

''(ii) CONFIDENTIALITY.—In the case of a risk-sharing value-based payment agreement that is disclosed to a State by the Secretary

under this subparagraph and that is only in effect with respect to a single State, the confidentiality of information provisions described in subsection (b)(3)(D) shall apply to such information.

''(C) OIG CONSULTATION.—

''(i) IN GENERAL.—The Secretary shall consult with the Office of the Inspector General of the Department of Health and Human Services to determine whether there are potential program integrity concerns (including issues related to compliance with sections 1128B and 1877) with agreement approvals or templates and address accordingly.

''(ii) OIG POLICY UPDATES AS NECESSARY.—The Inspector General of the Department of Health and Human Services shall review and update, as necessary, any policies or guidelines of the Office of the Inspector General of the Department of Human Services (including policies related to the enforcement of section 1128B) to accommodate the use of risk-sharing value-based payment agreements in accordance with this section.

''(9) RULES OF CONSTRUCTION.—

''(A) MODIFICATIONS.—Nothing in this subsection or any regulations promulgated under this subsection shall prohibit a State from requesting a modification from the Secretary to the terms of a risk-sharing value-based payment agreement. A modification that is expected to result in any increase to projected net State or Federal spending under the agreement shall be subject to recertification by the Chief Actuary as described in paragraph (2)(A)(ii) before the modification may be approved.

''(B) REBATE AGREEMENTS.—Nothing in this subsection shall be construed as requiring a State to enter into a risk-sharing value-based payment agreement or as limiting or superseding the ability of a State to enter into a supplemental rebate agreement for a covered outpatient drug.

''(C) FFP FOR PAYMENTS UNDER RISK-SHARING VALUE-BASED PAYMENT AGREEMENTS.—Federal financial participation shall be available under this title for any payment made by a State to a manufacturer for a covered outpatient drug under a risk-sharing value-based payment agreement in accordance with this subsection, except that no Federal financial participation shall be available for any payment made by a State to a manufacturer under such an agreement on and after the effective date of a disapproval of such agreement by the Secretary.

''(D) CONTINUED APPLICATION OF OTHER PROVISIONS.—Except as expressly provided in this subsection, nothing in this subsection or in any regulations promulgated under this subsection shall affect the application of any other provision of this Act.

''(10) APPROPRIATIONS.—For fiscal year 2022 and each fiscal year thereafter, there are appropriated to the Secretary $5,000,000 for the purpose of carrying out this subsection.

''(11) DEFINITIONS.—In this subsection:

''(A) CHIEF ACTUARY.—The term 'Chief Actuary' means the Chief Actuary of the Centers for Medicare & Medicaid Services.

''(B) INSTALLMENT YEAR.—The term 'installment year' means, with respect to a risk-sharing value-based payment agreement, a 12-month period during which a covered outpatient drug is administered under the agreement.

''(C) POTENTIALLY CURATIVE TREATMENT INTENDED FOR ONE-TIME USE.—The term 'potentially curative treatment intended for one-time use' means a treatment that consists of the administration of a covered outpatient drug that—

''(i) is a form of gene therapy for a rare disease, as defined by the Commissioner of Food and Drugs, designated under section 526 of the Federal Food, Drug, and Cosmetics Act, and approved under section 505 of such Act or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act to treat a serious or life-threatening disease or condition;

''(ii) if administered in accordance with the labeling of such drug, is expected to result in either—

''(I) the cure of such disease or condition; or

''(II) a reduction in the symptoms of such disease or condition to the extent that such disease or condition is not expected to lead to early mortality; and

''(iii) is expected to achieve a result described in clause (ii), which may be achieved over an extended period of time, after not more than 3 administrations.

''(D) RELEVANT CLINICAL PARAMETER.—The term 'relevant clinical parameter' means, with respect to a covered outpatient drug that is the subject of a risk-sharing value-based payment agreement—

''(i) a clinical endpoint specified in the drug's labeling or supported by one or more of the compendia described in section 1861(t)(2)(B)(ii)(I) that—

''(I) is able to be measured or evaluated on an annual basis for each year of the agreement on an independent basis by a provider or other entity; and

''(II) is required to be achieved (based on observed metrics in patient populations) under the terms of the agreement; or

''(ii) a surrogate endpoint (as defined in section 507(e)(9) of the Federal Food, Drug, and Cosmetic Act), including those developed by patient-focused drug development tools, that—

''(I) is able to be measured or evaluated on an annual basis for each year of the agreement on an independent basis by a provider or other entity; and

''(II) has been qualified by the Food and Drug Administration.

''(E) RISK-SHARING VALUE-BASED PAYMENT AGREEMENT.—The term 'risk-sharing value-based payment agreement' means an agreement between a State plan and a manufacturer—

''(i) for the purchase of a covered outpatient drug of the manufacturer that is a potentially curative treatment intended for one-time use;

''(ii) under which payment for such drug shall be made pursuant to an installment-based payment structure that meets the requirements of paragraph (3);

''(iii) which conditions payment on the achievement of at least 2 relevant clinical parameters (as defined in subparagraph (C));

''(iv) which provides that—

''(I) the State plan will directly reimburse the manufacturer for the drug; or

''(II) a third party will reimburse the manufacture in a manner approved by the Secretary;

''(v) is approved by the Secretary in accordance with paragraph (2).

''(F) TOTAL INSTALLMENT YEAR AMOUNT.—The term 'total installment year amount' means, with respect to a risk-sharing value-based payment agreement for the purchase of a covered outpatient drug and an installment year, an amount equal to the product of—

''(i) the unit price of the drug charged under the agreement; and

''(ii) the number of units of such drug administered under the agreement during such installment year.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(i)(10)(A) of the Social Security Act (42 U.S.C. 1396b(i)(10)(A)) is amended by striking ''or unless section 1927(a)(3) applies'' and inserting '', section 1927(a)(3) applies with respect to such drugs, or such drugs are the subject of a risk-sharing value-based payment agreement under section 1927(l)''.

(2) Section 1927(b) of the Social Security Act (42 U.S.C. 1396r–8(b)) is amended—

(A) in paragraph (1)(A), by inserting ''but excluding any drugs for which payment is made by a State under a risk-sharing value-based payment agreement under subsection (l))'' after ''for coverage of such drugs''; and

(B) in paragraph (3)—

(i) in subparagraph (C)(i), by inserting ''or subsection (l)(2)(A)'' after ''subparagraph (A)''; and

(ii) in subparagraph (D), in the matter preceding clause (i), by inserting '', under subsection (l)(2)(A),'' after ''under this paragraph''.

SEC. 14309. MODIFICATION OF MAXIMUM REBATE AMOUNT UNDER MEDICAID DRUG REBATE PROGRAM.

(a) IN GENERAL.—Subparagraph (D) of section 1927(c)(2) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)) is amended to read as follows:

''(D) MAXIMUM REBATE AMOUNT.—

''(i) IN GENERAL.—Except as provided in clause (ii), in no case shall the sum of the amounts applied under paragraph (1)(A)(ii) and this paragraph with respect to each dosage form and strength of a single source drug or an innovator multiple source drug for a rebate period exceed—

''(I) for rebate periods beginning after December 31, 2009, and before September 30, 2024, 100 percent of the average manufacturer price of the drug; and

''(II) for rebate periods beginning on or after October 1, 2024, 125 percent of the average manufacturer price of the drug.

''(ii) NO MAXIMUM AMOUNT FOR DRUGS IF AMP INCREASES OUTPACE INFLATION.—

''(I) IN GENERAL.—If the average manufacturer price with respect to each dosage form and strength of a single source drug or an innovator multiple source drug increases on or after October 1, 2023, and such increased average manufacturer price exceeds the inflation-adjusted average manufacturer price determined with respect to such drug under subclause (II) for the rebate period, clause (i) shall not apply and there shall be no limitation on the sum of the amounts applied under paragraph (1)(A)(ii) and this paragraph for the rebate period, and any subsequent rebate period until the average manufacturer price of the drug is the same or less than the inflation-adjusted average manufacturer price determined with respect to such drug under subclause (II) for the rebate period, with respect to each dosage form and strength of the single source drug or innovator multiple source drug.

''(II) INFLATION-ADJUSTED AVERAGE MANUFACTURER PRICE DEFINED.—In this clause, the term 'inflation-adjusted average manufacturer price' means, with respect to a single source drug or an innovator multiple source drug and a rebate period, the average manufacturer price for each dosage form and strength of the drug for the calendar quarter beginning July 1, 1990 (without regard to whether or not the drug has been sold or transferred to an entity, including a division or subsidiary of the manufacturer, after the 1st day of such quarter), increased by the percentage by which the consumer price index for all urban consumers (United States city average) for the month before the month in which the rebate period begins exceeds such index for September 1990.''.

(b) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—Section 1927(c)(2)(B) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)(B)) is amended by inserting ''and clause (ii)(II) of subparagraph (D)'' after ''clause (ii)(II) of subparagraph (A)''.

(c) TECHNICAL AMENDMENTS.—Section 1927(c)(3)(C)(ii)(IV) of the Social Security Act

(42 U.S.C. 1396r–9(c)(3)(C)(ii)(IV)) is amended—

(1) by striking ''subparagraph (A)'' and inserting ''paragraph (3)(A)''; and

(2) by striking ''this subparagraph'' and inserting ''paragraph (3)(C)''.

SA 5484. Mr. GRASSLEY (for himself, Mr. BRAUN, Mr. CASSIDY, Ms. COLLINS, Ms. MURKOWSKI, Mr. PORTMAN, Ms. ERNST, Mr. DAINES, Mrs. BLACKBURN, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike title I of the bill and all that follows through the end of the bill and insert the following:

TITLE I—MEDICARE

Subtitle A—Part B

SEC. 101. INCLUSION OF VALUE OF COUPONS IN DETERMINATION OF AVERAGE SALES PRICE FOR DRUGS AND BIOLOGICALS UNDER MEDICARE PART B.

Section 1847A(c) of the Social Security Act (42 U.S.C. 1395w–3a(c)) is amended—

(1) in paragraph (3)—

(A) by striking ''DISCOUNTS.—In calculating'' and inserting ''DISCOUNTS TO PURCHASERS AND COUPONS PROVIDED TO PRIVATELY INSURED INDIVIDUALS.—

''(A) DISCOUNTS TO PURCHASERS.—In calculating''; and

(B) by adding at the end the following new subparagraph:

''(B) COUPONS PROVIDED TO REDUCE COST-SHARING.—For calendar quarters beginning on or after July 1, 2024, in calculating the manufacturer's average sales price under this subsection, such price shall include the value (as defined in paragraph (6)(J)) of any coupons provided under a drug coupon program of a manufacturer (as those terms are defined in subparagraphs (K) and (L), respectively, of paragraph (6)).''; and

(2) in paragraph (6), by adding at the end the following new subparagraphs:

''(J) VALUE.—The term 'value' means, with respect to a coupon (as defined in subparagraph (K)), the difference, if any, between—

''(i) the amount of any reduction or elimination of cost-sharing or other out-of-pocket costs described in such subparagraph to a patient as a result of the use of such coupon; and

''(ii) any charge to the patient for the use of such coupon.

''(K) COUPON.—The term 'coupon' means any financial support that is provided to a patient, either directly to the patient or indirectly to the patient through a physician, prescriber, pharmacy, or other provider, under a drug coupon program of a manufacturer (as defined in subparagraph (L)) that is used to reduce or eliminate cost-sharing or other out-of-pocket costs of the patient, including costs related to a deductible, coinsurance, or copayment, with respect to a drug or biological, including a biosimilar biological product, of the manufacturer.

''(L) DRUG COUPON PROGRAM.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'drug coupon program' means, with respect to a manufacturer, a program through which the manufacturer provides coupons to patients as described in subparagraph (K).

''(ii) EXCLUSIONS.—Such term does not include—

''(I) a patient assistance program operated by a manufacturer that provides free or discounted drugs or biologicals, including biosimilar biological products, (through in-kind donations) to patients of low income; or

''(II) a contribution by a manufacturer to a nonprofit or Foundation that provides free or discounted drugs or biologicals, including biosimilar biological products, (through in-kind donations) to patients of low income.''.

SEC. 102. PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.

Section 1847A(c)(4) of the Social Security Act (42 U.S.C. 1395w–3a(c)(4)) is amended—

(1) in each of subparagraphs (A) and (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and moving such clauses 2 ems to the right;

(3) by striking ''UNAVAILABLE.—In the case'' and inserting ''UNAVAILABLE.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case''; and

(4) by adding at the end the following new subparagraph:

''(B) LIMITATION ON PAYMENT AMOUNT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.—In the case of a biosimilar biological product furnished on or after January 1, 2023, in lieu of applying subparagraph (A) during the initial period described in such subparagraph with respect to the biosimilar biological product, the amount payable under this section for the biosimilar biological product is the lesser of the following:

''(i) The amount determined under clause (ii) of such subparagraph for the biosimilar biological product.

''(ii) The amount determined under subsection (b)(1)(B) for the reference biological product.''.

SEC. 103. TEMPORARY INCREASE IN MEDICARE PART B PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS.

Section 1847A(b)(8) of the Social Security Act (42 U.S.C. 1395w–3a(b)(8)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking ''PRODUCT.—The amount'' and inserting the following: ''PRODUCT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the amount''; and

(3) by adding at the end the following new subparagraph:

''(B) TEMPORARY PAYMENT INCREASE FOR BIOSIMILAR BIOLOGICAL PRODUCTS.—

''(i) IN GENERAL.—Beginning January 1, 2023, in the case of a biosimilar biological product described in paragraph (1)(C) that is furnished during the applicable 5-year period for such product, the amount specified in this paragraph for such product is an amount equal to the lesser of the following:

''(I) The amount specified in subparagraph (A) for such product if clause (ii) of such subparagraph was applied by substituting '8 percent' for '6 percent'.

''(II) The amount determined under subsection (b)(1)(B) for the reference biological product.

''(ii) APPLICABLE 5-YEAR PERIOD.—For purposes of clause (i), the applicable 5-year period for a biosimilar biological product is—

''(I) in the case of such a product for which payment was made under this paragraph as of December 31, 2022, the 5-year period beginning on January 1, 2023; and

''(II) in the case of such a product that is not described in subclause (I), the 5-year period beginning on the first day of the first calendar quarter in which payment was made for such product under this paragraph.''.

SEC. 104. IMPROVEMENTS TO MEDICARE SITE-OF-SERVICE TRANSPARENCY.

Section 1834(t) of the Social Security Act (42 U.S.C. 1395m(t)) is amended—

(1) in paragraph (1)—

(A) in the heading, by striking ''IN GENERAL'' and inserting ''SITE PAYMENT'';

(B) in the matter preceding subparagraph (A)—

(i) by striking ''or to'' and inserting '', to'';

(ii) by inserting '', or to a physician for services furnished in a physician's office'' after ''surgical center''; and

(iii) by inserting ''(or 2024 with respect to a physician for services furnished in a physician's office)'' after ''2018''; and

(C) in subparagraph (A)—

(i) by striking ''and the'' and inserting '', the''; and

(ii) by inserting '', and the physician fee schedule under section 1848 (with respect to the practice expense component of such payment amount)'' after ''such section'';

(2) by redesignating paragraphs (2) through (4) and paragraphs (3) through (5), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) PHYSICIAN PAYMENT.—Beginning in 2024, the Secretary may expand the information included on the Internet website described in paragraph (1) to include—

''(A) the amount paid to a physician under section 1848 for an item or service for the settings described in paragraph (1); and

''(B) the estimated amount of beneficiary liability applicable to the item or service.''.

SEC. 105. MEDICARE PART B REBATE BY MANUFACTURERS FOR DRUGS OR BIOLOGICALS WITH PRICES INCREASING FASTER THAN INFLATION.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

''(h) REBATE BY MANUFACTURERS FOR DRUGS OR BIOLOGICALS WITH PRICES INCREASING FASTER THAN INFLATION.—

''(1) REQUIREMENTS.—

''(A) SECRETARIAL PROVISION OF INFORMATION.—Not later than 6 months after the end of each rebate period (as defined in paragraph (2)(A)) beginning on or after January 1, 2024, the Secretary shall, for each rebatable drug (as defined in paragraph (2)(B)), report to each manufacturer of such rebatable drug the following for such rebate period:

''(i) Information on the total number of units of the billing and payment code described in subparagraph (A)(i) of paragraph (3) with respect to such rebatable drug and rebate period.

''(ii) Information on the amount (if any) of the excess average sales price increase described in subparagraph (A)(ii) of such paragraph for such rebatable drug and rebate period.

''(iii) The rebate amount specified under such paragraph for such rebatable drug and rebate period.

''(B) MANUFACTURER REBATE.—

''(i) IN GENERAL.—Subject to clause (ii), for each rebate period beginning on or after January 1, 2024, the manufacturer of a rebatable drug shall, for such drug, not later than 30 days after the date of receipt from the Secretary of the information and rebate amount pursuant to subparagraph (A) for such rebate period, provide to the Secretary a rebate that is equal to the amount specified in paragraph (3) for such drug for such rebate period.

''(ii) EXEMPTION FOR SHORTAGES.—The Secretary may reduce or waive the rebate under this subparagraph with respect to a rebatable drug that is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section

506E of the Federal Food, Drug, and Cosmetic Act.

''(C) REQUEST FOR RECONSIDERATION.—The Secretary shall establish procedures under which a manufacturer of a rebatable drug may request a reconsideration by the Secretary of the rebate amount specified under paragraph (3) for such rebatable drug and rebate period, as reported to the manufacturer pursuant to subparagraph (A)(iii).

''(2) REBATE PERIOD AND REBATABLE DRUG DEFINED.—In this subsection:

''(A) REBATE PERIOD.—The term 'rebate period' means a calendar quarter beginning on or after January 1, 2024.

''(B) REBATABLE DRUG.—The term 'rebatable drug' means a single source drug or biological (other than a biosimilar biological product)—

''(i) described in section 1842(o)(1)(C) for which the payment amount is provided under this section; or

''(ii) for which payment is made separately under section 1833(i) or section 1833(t) and for which the payment amount is calculated based on the payment amount under this section.

''(3) REBATE AMOUNT.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the amount specified in this paragraph for a rebatable drug assigned to a billing and payment code for a rebate period is, subject to paragraph (4), the amount equal to the product of—

''(i) subject to subparagraph (B), the total number of units of the billing and payment code for such rebatable drug furnished during the rebate period; and

''(ii) the amount (if any) by which—

''(I) the amount determined under subsection (b)(4) for such rebatable drug during the rebate period; exceeds

''(II) the inflation-adjusted base payment amount determined under subparagraph (C) of this paragraph for such rebatable drug during the rebate period.

''(B) EXCLUDED UNITS.—For purposes of subparagraph (A)(i), the total number of units of the billing and payment code for rebatable drugs furnished during a rebate period shall not include units with respect to which the manufacturer provides a discount under the program under section 340B of the Public Health Service Act or a rebate under section 1927.

''(C) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this subparagraph for a rebatable drug for a rebate period is—

''(i) the amount determined under subsection (b)(4) for such rebatable drug in the payment amount benchmark quarter (as defined in subparagraph (D)); increased by

''(ii) the percentage by which the rebate period CPI–U (as defined in subparagraph (F)) for the rebate period exceeds the benchmark period CPI–U (as defined in subparagraph (E)).

''(D) PAYMENT AMOUNT BENCHMARK QUARTER.—The term 'payment amount benchmark quarter' means the calendar quarter beginning July 1, 2021.

''(E) BENCHMARK PERIOD CPI–U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for July 2021.

''(F) REBATE PERIOD CPI–U.—The term 'rebate period CPI–U' means, with respect to a rebate period, the consumer price index for all urban consumers (United States city average) for the last month of the calendar quarter that is two calendar quarters prior to the rebate period.

''(4) APPLICATION TO NEW DRUGS.—In the case of a rebatable drug first approved or licensed by the Food and Drug Administration after July 1, 2021, the following shall apply:

''(A) DURING INITIAL PERIOD.—For quarters during the initial period in which the payment amount for such drug is determined using the methodology described in subsection (c)(4)—

''(i) clause (ii)(I) of paragraph (3)(A) shall be applied as if the reference to 'the amount determined under subsection (b)(4),' were a reference to 'the wholesale acquisition cost applicable under subsection (c)(4)';

''(ii) clause (i) of paragraph (3)(C) shall be applied—

''(I) as if the reference to 'the amount determined under subsection (b)(4),' were a reference to 'the wholesale acquisition cost applicable under subsection (c)(4)'; and

''(II) as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the first full calendar quarter after the day on which the drug was first marketed; and

''(iii) clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (4)(E) as if the reference to 'July 2021' under such paragraph were a reference to 'the first month of the first full calendar quarter after the day on which the drug was first marketed'.

''(B) AFTER INITIAL PERIOD.—For quarters beginning after such initial period—

''(i) clause (i) of paragraph (3)(C) shall be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the first full calendar quarter for which the Secretary is able to compute an average sales price for the rebatable drug; and

''(ii) clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (4)(E) as if the reference to 'July 2021' under such paragraph were a reference to 'the first month of the first full calendar quarter for which the Secretary is able to compute an average sales price for the rebatable drug'.

''(5) REBATE DEPOSITS.—Amounts paid as rebates under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(6) ENFORCEMENT.—

''(A) CIVIL MONEY PENALTY.—

''(i) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to comply with the requirements under paragraph (1)(B) with respect to providing a rebate for a rebatable drug for a rebate period for each such failure in an amount equal to the sum of—

''(I) the rebate amount specified pursuant to paragraph (3) for such drug for such rebate period; and

''(II) 25 percent of such amount.

''(ii) APPLICATION.—The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(B) NO PAYMENT FOR MANUFACTURERS WHO FAIL TO PAY PENALTY.—If the manufacturer of a rebatable drug fails to pay a civil money penalty under subparagraph (A) with respect to the failure to provide a rebate for a rebatable drug for a rebate period by a date specified by the Secretary after the imposition of such penalty, no payment shall be available under this part for such rebatable drug for calendar quarters beginning on or after such date until the Secretary determines the manufacturer has paid the penalty due under such subparagraph.''.

(b) IMPLEMENTATION.—Section 1847A(i) of the Social Security Act (42 U.S.C. 1395w–3(g)), as redesignated by subsection (a) of this section, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(6) determination of the rebate amount for a rebatable drug under paragraph (3) of subsection (h), including with respect to a new drug pursuant to paragraph (4) of such subsection, including—

''(A) a decision by the Secretary with respect to a request for reconsideration under paragraph (1)(C); and

''(B) the determination of—

''(i) the total number of units of the billing and payment code under paragraph (3)(A)(i); and

''(ii) the inflation-adjusted payment amount under paragraph (3)(C).''.

(c) CONFORMING AMENDMENT TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended by inserting ''or subsection (h)'' after ''section 1927''.

SEC. 106. HHS INSPECTOR GENERAL STUDY AND REPORT ON BONA FIDE SERVICE FEES.

(a) STUDY.—The Inspector General of the Department of Health and Human Services (in this section referred to as the ''Inspector General'') shall conduct a study on the effect of the use of bona fide service fee contracting arrangements by drug manufacturers and other entities on Medicare payments for drugs and biologicals furnished under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). Such study shall include an analysis of—

(1) the various types of entities that enter into contracting arrangements that use bona fide service fees, such as group purchasing organizations, wholesalers, providers, and pharmacies;

(2) the various types of bona fide service fee contracting arrangements used by such entities;

(3) the types of services that are paid for through such arrangements;

(4) whether manufacturers define bona fide service fees differently across different entities;

(5) how such arrangements are structured;

(6) whether the structure or use of such arrangements has changed over time;

(7) the extent, if any, to which there is consistency across manufacturers in what they consider to be a bona fide service fee as opposed to a discount or rebate that should be excluded from the determination of average sales price pursuant to the methodology under section 1847A of the Social Security Act (42 U.S.C. 1395w–3a);

(8) the overall magnitude of bona fide service fees;

(9) what share of bona fide service fees are paid to various entities;

(10) how the magnitude of bona fide service fees compares to other fees and rebates that are included in the determination of average sales price;

(11) whether and, if so, how much, the magnitude of bona fide service fees has grown over time and how such growth compares to growth in the magnitude of other fees and rebates; and

(12) what share of bona fide service fees are based on a percentage of sales.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Inspector General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate.

SEC. 107. ESTABLISHMENT OF MAXIMUM ADD-ON PAYMENT FOR DRUGS AND BIOLOGICALS.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''paragraph (7)'' and inserting ''paragraphs (7) and (9)''; and

(B) by adding at the end the following new paragraph:

''(9) MAXIMUM ADD-ON PAYMENT AMOUNT.—

''(A) IN GENERAL.—In determining the payment amount under the provisions of subparagraph (A), (B), or (C) of paragraph (1) of this subsection, subsection (c)(4)(A)(ii), or subsection (d)(3)(C) for a drug or biological furnished on or after January 1, 2024, if the applicable add-on payment (as defined in subparagraph (B)) for each drug or biological on a claim for a date of service exceeds the maximum add-on payment amount specified under subparagraph (C) for the drug or biological, then the payment amount otherwise determined for the drug or biological under those provisions, as applicable, shall be reduced by the amount of such excess.

''(B) APPLICABLE ADD-ON PAYMENT DEFINED.—In this paragraph, the term 'applicable add-on payment' means the following amounts, determined without regard to the application of subparagraph (A):

''(i) In the case of a multiple source drug, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(A); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for '106 percent'.

''(ii) In the case of a single source drug or biological, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(B); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for '106 percent'.

''(iii) In the case of a biosimilar biological product, the amount otherwise determined under paragraph (8)(B).

''(iv) In the case of a drug or biological during the initial period described in subsection (c)(4)(A), an amount equal to the difference between—

''(I) the amount that would otherwise be applied under subsection (c)(4)(A)(ii); and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) '103 percent' in subclause (I) of such subsection; or

''(bb) any percent in excess of 100 percent applied under subclause (II) of such subsection.

''(v) In the case of a drug or biological to which subsection (d)(3)(C) applies, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under such subsection; and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) any percent in excess of 100 percent applied under clause (i) of such subsection; or

''(bb) '103 percent' in clause (ii) of such subsection.

''(C) MAXIMUM ADD-ON PAYMENT AMOUNT SPECIFIED.—For purposes of subparagraph (A), the maximum add-on payment amount specified in this subparagraph is—

''(i) for each of 2024 through 2031, $1,000; and

''(ii) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

Any amount determined under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.''; and

(2) in subsection (c)(4)(A)(ii), by striking ''in the case'' and inserting ''subject to subsection (b)(9), in the case''.

(b) CONFORMING AMENDMENTS RELATING TO SEPARATELY PAYABLE DRUGS.—

(1) OPPS.—Section 1833(t)(14) of the Social Security Act (42 U.S.C. 1395l(t)(14)) is amended—

(A) in subparagraph (A)(iii)(II), by inserting '', subject to subparagraph (I)'' after ''are not available''; and

(B) by adding at the end the following new subparagraph:

''(I) APPLICATION OF MAXIMUM ADD-ON PAYMENT FOR SEPARATELY PAYABLE DRUGS AND BIOLOGICALS.—In establishing the amount of payment under subparagraph (A) for a specified covered outpatient drug that is furnished as part of a covered OPD service (or group of services) on or after January 1, 2024, if such payment is determined based on the average price for the year established under section 1847A pursuant to clause (iii)(II) of such subparagraph, the provisions of subsection (b)(9) of section 1847A shall apply to the amount of payment so established in the same manner as such provisions apply to the amount of payment under section 1847A.''.

(2) ASC.—Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(i)(2)(D)) is amended—

(A) by moving clause (v) 6 ems to the left;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following new clause:

''(vi) If there is a separate payment under the system described in clause (i) for a drug or biological furnished on or after January 1, 2024, the provisions of subsection (t)(14)(I) shall apply to the establishment of the amount of payment for the drug or biological under such system in the same manner in which such provisions apply to the establishment of the amount of payment under subsection (t)(14)(A).''.

SEC. 108. TREATMENT OF DRUG ADMINISTRATION SERVICES FURNISHED BY CERTAIN EXCEPTED OFF-CAMPUS OUTPATIENT DEPARTMENTS OF A PROVIDER.

Section 1833(t)(16) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL PAYMENT RULE FOR DRUG ADMINISTRATION SERVICES FURNISHED BY AN EXCEPTED DEPARTMENT OF A PROVIDER.—

''(i) IN GENERAL.—In the case of a covered OPD service that is a drug administration service (as defined by the Secretary) furnished by a department of a provider described in clause (ii) or (iv) of paragraph (21)(B), the payment amount for such service furnished on or after January 1, 2024, shall be the same payment amount (as determined in paragraph (21)(C)) that would apply if the drug administration service was furnished by an off-campus outpatient department of a provider (as defined in paragraph (21)(B)).

''(ii) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The reductions made under this subparagraph—

''(I) shall not be considered an adjustment under paragraph (2)(E); and

''(II) shall not be implemented in a budget neutral manner.''.

SEC. 109. GAO STUDY AND REPORT ON AVERAGE SALES PRICE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study on spending for applicable drugs under part B of title XVIII of the Social Security Act.

(2) APPLICABLE DRUGS DEFINED.—In this section, the term ''applicable drugs'' means drugs and biologicals—

(A) for which reimbursement under such part B is based on the average sales price of the drug or biological; and

(B) that account for the largest percentage of total spending on drugs and biologicals under such part B (as determined by the Comptroller General, but in no case less that 25 drugs or biologicals).

(3) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The extent to which each applicable drug is paid for—

(i) under such part B for Medicare beneficiaries; or

(ii) by private payers in the commercial market.

(B) Any change in Medicare spending or Medicare beneficiary cost-sharing that would occur if the average sales price of an applicable drug was based solely on payments by private payers in the commercial market.

(C) The extent to which drug manufacturers provide rebates, discounts, or other price concessions to private payers in the commercial market for applicable drugs, which the manufacturer includes in its average sales price calculation, for—

(i) formulary placement;

(ii) utilization management considerations; or

(iii) other purposes.

(D) Barriers to drug manufacturers providing such price concessions for applicable drugs.

(E) Other areas determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 110. AUTHORITY TO USE ALTERNATIVE PAYMENT FOR DRUGS AND BIOLOGICALS TO PREVENT POTENTIAL DRUG SHORTAGES.

(a) IN GENERAL.—Section 1847A(e) of the Social Security Act (42 U.S.C. 1395w–3a(e)) is amended—

(1) by striking ''PAYMENT IN RESPONSE TO PUBLIC HEALTH EMERGENCY.—In the case'' and inserting ''PAYMENTS.—

''(1) IN RESPONSE TO PUBLIC HEALTH EMERGENCY.—In the case''; and

(2) by adding at the end the following new paragraph:

''(2) PREVENTING POTENTIAL DRUG SHORTAGES.—

''(A) IN GENERAL.—In the case of a drug or biological that the Secretary determines is described in subparagraph (B) for one or more quarters beginning on or after January 1, 2024, the Secretary may use wholesale acquisition cost (or other reasonable measure of a drug or biological price) instead of the manufacturer's average sales price for such quarters and for subsequent quarters until the end of the quarter in which such drug or biological is removed from the drug shortage list under section 506E of the Federal Food, Drug, and Cosmetic Act, or in the case of a drug or biological described in subparagraph (B)(ii), the date on which the Secretary determines that the total manufacturing capacity or the total number of manufacturers of such drug or biological is sufficient to

mitigate a potential shortage of the drug or biological.

''(B) DRUG OR BIOLOGICAL DESCRIBED.—For purposes of subparagraph (A), a drug or biological described in this subparagraph is a drug or biological—

''(i) that is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act, and with respect to which any manufacturer of such drug or biological notifies the Secretary of a permanent discontinuance or an interruption that is likely to lead to a meaningful disruption in the manufacturer's supply of that drug pursuant to section 506C(a) of such Act; or

''(ii) that—

''(I) is described in section 506C(a) of such Act;

''(II) was listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of such Act within the preceding 5 years; and

''(III) for which the total manufacturing capacity of all manufacturers with an approved application for such drug or biological that is currently marketed or total number of manufacturers with an approved application for such drug or biological that is currently marketed declines during a 6-month period, as determined by the Secretary.

''(C) PROVISION OF ADDITIONAL INFORMATION.—For each quarter in which the amount of payment for a drug or biological described in subparagraph (B) pursuant to subparagraph (A) exceeds the amount of payment for the drug or biological otherwise applicable under this section, each manufacturer of such drug or biological shall provide to the Secretary information related to the potential cause or causes of the shortage and the expected duration of the shortage with respect to such drug.''.

(b) TRACKING SHORTAGE DRUGS THROUGH CLAIMS.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a mechanism (such as a modifier) for purposes of tracking utilization under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) of drugs and biologicals listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e).

(c) HHS REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on shortages of drugs within the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). The report shall include—

(A) an analysis of—

(i) the effect of drug shortages on Medicare beneficiary access, quality, safety, and out-of-pocket costs;

(ii) the effect of drug shortages on health providers, including hospitals and physicians, across the Medicare program;

(iii) the current role of the Centers for Medicare & Medicaid Services (CMS) in addressing drug shortages, including CMS's working relationship and communication with other Federal agencies and stakeholders;

(iv) the role of all actors in the drug supply chain (including drug manufacturers, distributors, wholesalers, secondary wholesalers, group purchasing organizations, hospitals, and physicians) on drug shortages within the Medicare program; and

(v) payment structures and incentives under parts A, B, C, and D of the Medicare program and their effect, if any, on drug shortages; and

(B) relevant findings and recommendations to Congress.

(2) PUBLIC AVAILABILITY.—The report under this subsection shall be made available to the public.

(3) CONSULTATION.—The Secretary shall consult with the drug shortage task force authorized under section 506D(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356d(a)(1)(A)) in preparing the report under this subsection, as appropriate.

Subtitle B—Part D

SEC. 121. MEDICARE PART D MODERNIZATION REDESIGN.

(a) BENEFIT STRUCTURE REDESIGN.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting ''for a year preceding 2025 and for costs above the annual deductible specified in paragraph (1) and up to the annual out-of-pocket threshold specified in paragraph (4)(B) for 2025 and each subsequent year'' after ''paragraph (3)'';

(B) in subparagraph (C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ''for a year preceding 2025,'' after ''paragraph (4),''; and

(ii) in clause (ii)(III), by striking ''and each subsequent year'' and inserting '', 2021, 2022, 2023, and 2024''; and

(C) in subparagraph (D)—

(i) in clause (i)—

(I) in the matter preceding subclause (I), by inserting ''for a year preceding 2025,'' after ''paragraph (4),''; and

(II) in subclause (I)(bb), by striking ''a year after 2018'' and inserting ''each of years 2018 through 2024''; and

(ii) in clause (ii)(V), by striking ''2019 and each subsequent year'' and inserting ''each of years 2019 through 2024'';

(2) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting ''for a year preceding 2025,'' after ''and (4),''; and

(B) in clause (ii), by striking ''for a subsequent year'' and inserting ''for each of years 2007 through 2024'';

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(II) in the matter preceding item (aa), as redesignated by subclause (I), by striking ''is equal to the greater of—'' and inserting ''is equal to—

''(I) for a year preceding 2025, the greater of—'';

(III) by striking the period at the end of item (bb), as redesignated by subclause (I), and inserting ''; and''; and

(IV) by adding at the end the following:

''(II) for 2025 and each succeeding year, $0.''; and

(ii) in clause (ii)—

(I) by striking ''clause (i)(I)'' and inserting ''clause (i)(I)(aa)''; and

(II) by adding at the end the following new sentence: ''The Secretary shall continue to calculate the dollar amounts specified in clause (i)(I)(aa), including with the adjustment under this clause, after 2024 for purposes of section 1860D–14(a)(1)(D)(iii).'';

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in subclause (V), by striking ''or'' at the end;

(II) in subclause (VI)—

(aa) by striking ''for a subsequent year'' and inserting ''for 2021, 2022, 2023, and 2024''; and

(bb) by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following new subclauses:

''(VII) for 2025, is equal to $3,100; or

''(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved.''; and

(ii) in clause (ii), by striking ''clause (i)(II)'' and inserting ''clause (i)'';

(C) in subparagraph (C)(i), by striking ''and for amounts'' and inserting ''and for a year preceding 2025 for amounts''; and

(D) in subparagraph (E), by striking ''In applying'' and inserting ''For each of 2011 through 2024, in applying''.

(b) REDUCTION IN BENEFICIARY COINSURANCE.—

(1) IN GENERAL.—Section 1860D–2(b)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(b)(2)(A)), as amended by subsection (a), is amended—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II) and moving such subclauses 2 ems to the right;

(B) by striking ''25 PERCENT COINSURANCE.—Subject to'' and inserting ''COINSURANCE.—

''(i) IN GENERAL.—Subject to'';

(C) in each of subclauses (I) and (II), as redesignated by subparagraph (A), by striking ''25 percent'' and inserting ''the applicable percentage (as defined in clause (ii))''; and

(D) by adding at the end the following new clause:

''(ii) APPLICABLE PERCENTAGE DEFINED.—For purposes of clause (i), the term 'applicable percentage' means—

''(I) for a year preceding 2025, 25 percent; and

''(II) for 2025 and each subsequent year, 20 percent.''.

(2) CONFORMING AMENDMENT.—Section 1860D–14(a)(2)(D) of the Social Security Act (42 U.S.C. 1395w–114(a)(2)(D)) is amended by striking ''25 percent'' and inserting ''the applicable percentage''.

(c) DECREASING REINSURANCE PAYMENT AMOUNT.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''equal to 80 percent'' and inserting ''equal to—

''(A) for a year preceding 2025, 80 percent'';

(B) in subparagraph (A), as added by paragraph (1), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(B) for 2025 and each subsequent year, the sum of—

''(i) an amount equal to the applicable percentage specified in paragraph (5)(A) of such allowable reinsurance costs attributable to that portion of gross prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) with respect to applicable drugs (as defined in section 1860D–14B(g)(2)); and

''(ii) an amount equal to the applicable percentage specified in paragraph (5)(B) of allowable reinsurance costs attributable to that portion of gross prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) with respect to covered part D drugs that are not applicable drugs (as so defined).''; and

(2) by adding at the end the following new paragraph:

''(5) APPLICABLE PERCENTAGE SPECIFIED.—For purposes of paragraph (1)(B), the applicable percentage specified in this paragraph is—

''(A) with respect to applicable drugs (as defined in section 1860D–14B(g)(2))—

''(i) for 2025, 60 percent;

''(ii) for 2026, 40 percent; and

''(iii) for 2027 and each subsequent year, 20 percent; and

''(B) with respect to covered part D drugs that are not applicable drugs (as so defined)—

''(i) for 2025, 80 percent;

''(ii) for 2026, 60 percent; and

''(iii) for 2027 and each subsequent year, 40 percent.''.

(d) MANUFACTURER DISCOUNT PROGRAM DURING INITIAL AND CATASTROPHIC PHASES OF COVERAGE.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14A (42 U.S.C. 1495w–114) the following new section:

''SEC. 1860D–14B. MANUFACTURER DISCOUNT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a manufacturer discount program (in this section referred to as the 'program'). Under the program, the Secretary shall enter into agreements described in subsection (b) with manufacturers and provide for the performance of the duties described in subsection (c). The Secretary shall establish a model agreement for use under the program by not later than January 1, 2024, in consultation with manufacturers, and allow for comment on such model agreement.

''(b) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—An agreement under this section shall require the manufacturer to provide applicable beneficiaries access to discounted prices for applicable drugs of the manufacturer that are dispensed on or after January 1, 2025.

''(B) PROVISION OF DISCOUNTED PRICES AT THE POINT-OF-SALE.—The discounted prices described in subparagraph (A) shall be provided to the applicable beneficiary at the pharmacy or by the mail order service at the point-of-sale of an applicable drug.

''(2) PROVISION OF APPROPRIATE DATA.—Each manufacturer with an agreement in effect under this section shall collect and have available appropriate data, as determined by the Secretary, to ensure that it can demonstrate to the Secretary compliance with the requirements under the program.

''(3) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary or a third party with a contract under subsection (d)(3), as applicable, for purposes of administering the program, including any determination under subparagraph (A) of subsection (c)(1) or procedures established under such subsection (c)(1).

''(4) LENGTH OF AGREEMENT.—

''(A) IN GENERAL.—An agreement under this section shall be effective for an initial period of not less than 12 months and shall be automatically renewed for a period of not less than 1 year unless terminated under subparagraph (B).

''(B) TERMINATION.—

''(i) BY THE SECRETARY.—The Secretary may provide for termination of an agreement under this section for a knowing and willful violation of the requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of notice to the manufacturer of such termination. The Secretary shall provide, upon request, a manufacturer with a hearing concerning such a termination, and such hearing shall take place prior to the effective date of the termination with sufficient time for such effective date to be repealed if the Secretary determines appropriate.

''(ii) BY A MANUFACTURER.—A manufacturer may terminate an agreement under this section for any reason. Any such termination shall be effective, with respect to a plan year—

''(I) if the termination occurs before January 30 of a plan year, as of the day after the end of the plan year; and

''(II) if the termination occurs on or after January 30 of a plan year, as of the day after the end of the succeeding plan year.

''(iii) EFFECTIVENESS OF TERMINATION.—Any termination under this subparagraph shall not affect discounts for applicable drugs of the manufacturer that are due under the agreement before the effective date of its termination.

''(iv) NOTICE TO THIRD PARTY.—The Secretary shall provide notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the effective date of such termination.

''(5) EFFECTIVE DATE OF AGREEMENT.—An agreement under this section shall take effect on a date determined appropriate by the Secretary, which may be at the start of a calendar quarter.

''(c) DUTIES DESCRIBED.—The duties described in this subsection are the following:

''(1) ADMINISTRATION OF PROGRAM.—Administering the program, including—

''(A) the determination of the amount of the discounted price of an applicable drug of a manufacturer;

''(B) the establishment of procedures under which discounted prices are provided to applicable beneficiaries at pharmacies or by mail order service at the point-of-sale of an applicable drug;

''(C) the establishment of procedures to ensure that, not later than the applicable number of calendar days after the dispensing of an applicable drug by a pharmacy or mail order service, the pharmacy or mail order service is reimbursed for an amount equal to the difference between—

''(i) the negotiated price of the applicable drug; and

''(ii) the discounted price of the applicable drug;

''(D) the establishment of procedures to ensure that the discounted price for an applicable drug under this section is applied before any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of applicable beneficiaries as the Secretary may specify; and

''(E) providing a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, applicable beneficiaries, and the third party with a contract under subsection (d)(3).

''(2) MONITORING COMPLIANCE.—

''(A) IN GENERAL.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.

''(B) NOTIFICATION.—If a third party with a contract under subsection (d)(3) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance for appropriate enforcement under subsection (e).

''(3) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.

''(d) ADMINISTRATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c).

''(2) LIMITATION.—In providing for the implementation of this section, the Secretary shall not receive or distribute any funds of a manufacturer under the program.

''(3) CONTRACT WITH THIRD PARTIES.—The Secretary shall enter into a contract with 1 or more third parties to administer the requirements established by the Secretary in order to carry out this section. At a minimum, the contract with a third party under the preceding sentence shall require that the third party—

''(A) receive and transmit information between the Secretary, manufacturers, and other individuals or entities the Secretary determines appropriate;

''(B) receive, distribute, or facilitate the distribution of funds of manufacturers to appropriate individuals or entities in order to meet the obligations of manufacturers under agreements under this section;

''(C) provide adequate and timely information to manufacturers, consistent with the agreement with the manufacturer under this section, as necessary for the manufacturer to fulfill its obligations under this section; and

''(D) permit manufacturers to conduct periodic audits, directly or through contracts, of the data and information used by the third party to determine discounts for applicable drugs of the manufacturer under the program.

''(4) PERFORMANCE REQUIREMENTS.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (3) and safeguards to protect the independence and integrity of the activities carried out by the third party under the program under this section.

''(5) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the program under this section.

''(6) FUNDING.—For purposes of carrying out this section, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841 to the Centers for Medicare & Medicaid Services Program Management Account, of $4,000,000 for each of fiscal years 2022 through 2025, to remain available until expended.''.

''(e) ENFORCEMENT.—

''(1) AUDITS.—Each manufacturer with an agreement in effect under this section shall be subject to periodic audit by the Secretary.

''(2) CIVIL MONEY PENALTY.—

''(A) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to provide applicable beneficiaries discounts for applicable drugs of the manufacturer in accordance with such agreement for each such failure in an amount the Secretary determines is commensurate with the sum of—

''(i) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the discounts which the manufacturer had failed to provide; and

''(ii) 25 percent of such amount.

''(B) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) CLARIFICATION REGARDING AVAILABILITY OF OTHER COVERED PART D DRUGS.—Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not an applicable drug (including a generic drug or a drug that is not on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in).

''(g) DEFINITIONS.—In this section:

''(1) APPLICABLE BENEFICIARY.—The term 'applicable beneficiary' means an individual who, on the date of dispensing a covered part D drug—

''(A) is enrolled in a prescription drug plan or an MA–PD plan;

''(B) is not enrolled in a qualified retiree prescription drug plan; and

''(C) has incurred costs for covered part D drugs in the year that are above the annual deductible specified in section 1860D–2(b)(1) for such year.

''(2) APPLICABLE DRUG.—The term 'applicable drug' means, with respect to an applicable beneficiary, a covered part D drug—

''(A) approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act (including a product licensed under subsection (k) of such section 351); and

''(B)(i) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

''(ii) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan does not use a formulary, for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or

''(iii) is provided through an exception or appeal.

''(3) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—

''(A) with respect to claims for reimbursement submitted electronically, 14 days; and

''(B) with respect to claims for reimbursement submitted otherwise, 30 days.

''(4) DISCOUNTED PRICE.—

''(A) IN GENERAL.—The term 'discounted price' means—

''(i) with respect to an applicable drug dispensed for an applicable beneficiary who has incurred costs that are below the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) for the year, 93 percent of the negotiated price of the applicable drug of a manufacturer; and

''(ii) with respect to an applicable drug dispensed for an applicable beneficiary who has incurred costs for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) for the year, 86 percent of the negotiated price of the applicable drug of a manufacturer.

''(B) CLARIFICATION.—Nothing in this section shall be construed as affecting the responsibility of an applicable beneficiary for payment of a dispensing fee for an applicable drug.

''(C) CLARIFICATION FOR CERTAIN CLAIMS.—With respect to the amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary, the manufacturer of the applicable drug shall provide—

''(i) the discounted price under clause (i) of subparagraph (A) only on the portion of the negotiated price of the applicable drug that falls above the deductible specified in section 1860D–2(b)(1) for the year and below the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) for the year; and

''(ii) the discounted price under clause (ii) of subparagraph (A) only on the portion of the negotiated price of the applicable drug that falls at or above such annual out-of-pocket threshold.

''(5) MANUFACTURER.—The term 'manufacturer' means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

''(6) NEGOTIATED PRICE.—The term 'negotiated price' has the meaning given such term in section 1860D–2(d)(1)(B), except that such negotiated price shall not include any dispensing fee for the applicable drug.

''(7) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' has the meaning given such term in section 1860D–22(a)(2).''.

(2) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Section 1860D–14A of the Social Security Act (42 U.S.C. 1395–114a) is amended—

(A) in subsection (a), in the first sentence, by striking ''The Secretary'' and inserting ''Subject to subsection (h), the Secretary''; and

(B) by adding at the end the following new subsection:

''(h) SUNSET OF PROGRAM.—

''(1) IN GENERAL.—The program shall not apply to applicable drugs dispensed on or after January 1, 2025, and, subject to paragraph (2), agreements under this section shall be terminated as of such date.

''(2) CONTINUED APPLICATION FOR APPLICABLE DRUGS DISPENSED PRIOR TO SUNSET.—The provisions of this section (including all responsibilities and duties) shall continue to apply after January 1, 2025, with respect to applicable drugs dispensed prior to such date.''.

(3) INCLUSION OF ACTUARIAL VALUE OF MANUFACTURER DISCOUNTS IN BIDS.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended—

(A) in subsection (b)(2)(C)(iii)—

(i) by striking ''assumptions regarding the reinsurance'' and inserting ''assumptions regarding—

''(I) the reinsurance''; and

(ii) by adding at the end the following:

''(II) for 2025 and each subsequent year, the manufacturer discounts provided under section 1860D–14B subtracted from the actuarial value to produce such bid; and''; and

(B) in subsection (c)(1)(C)—

(i) by striking ''an actuarial valuation of the reinsurance'' and inserting ''an actuarial valuation of—

''(i) the reinsurance'';

(ii) in clause (i), as added by clause (i) of this subparagraph, by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(ii) for 2025 and each subsequent year, the manufacturer discounts provided under section 1860D–14B;''.

(4) CLARIFICATION REGARDING EXCLUSION OF MANUFACTURER DISCOUNTS FROM TROOP.—Section 1860D–2(b)(4) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)) is amended—

(A) in subparagraph (C), by inserting ''and subject to subparagraph (F)'' after ''subparagraph (E)''; and

(B) by adding at the end the following new subparagraph:

''(F) CLARIFICATION REGARDING EXCLUSION OF MANUFACTURER DISCOUNTS.—In applying subparagraph (A), incurred costs shall not include any manufacturer discounts provided under section 1860D–14B.''.

(e) DETERMINATION OF ALLOWABLE REINSURANCE COSTS.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''COSTS.—For purposes'' and inserting ''COSTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes''; and

(B) by adding at the end the following new subparagraph:

''(B) INCLUSION OF MANUFACTURER DISCOUNTS ON APPLICABLE DRUGS.—For purposes of applying subparagraph (A), the term 'allowable reinsurance costs' shall include the portion of the negotiated price (as defined in section 1860D–14B(g)(6)) of an applicable drug (as defined in section 1860D–14B(g)(2)) that was paid by a manufacturer under the manufacturer discount program under section 1860D–14B.''; and

(2) in paragraph (3)—

(A) in the first sentence, by striking ''For purposes'' and inserting ''Subject to paragraph (2)(B), for purposes''; and

(B) in the second sentence, by inserting ''or, in the case of an applicable drug, by a manufacturer'' after ''by the individual or under the plan''.

(f) UPDATING RISK ADJUSTMENT METHODOLOGIES TO ACCOUNT FOR PART D MODERNIZATION REDESIGN.—Section 1860D–15(c) of the Social Security Act (42 U.S.C. 1395w–115(c)) is amended by adding at the end the following new paragraph:

''(3) UPDATING RISK ADJUSTMENT METHODOLOGIES TO ACCOUNT FOR PART D MODERNIZATION REDESIGN.—The Secretary shall update the risk adjustment methodologies used to adjust bid amounts pursuant to this subsection as appropriate to take into account changes in benefits under this part pursuant to the amendments made by section 121 of the Prescription Drug Pricing Reduction Act of 2022.''.

(g) CONDITIONS FOR COVERAGE OF DRUGS UNDER THIS PART.—Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(4) participate in the manufacturer discount program under section 1860D–14B;

''(5) have entered into and have in effect an agreement described in subsection (b) of such section 1860D–14B with the Secretary; and

''(6) have entered into and have in effect, under terms and conditions specified by the Secretary, a contract with a third party that the Secretary has entered into a contract with under subsection (d)(3) of such section 1860D–14B.'';

(2) by striking subsection (b) and inserting the following:

''(b) EFFECTIVE DATE.—Paragraphs (1) through (3) of subsection (a) shall apply to covered part D drugs dispensed under this part on or after January 1, 2011, and before January 1, 2025, and paragraphs (4) through (6) of such subsection shall apply to covered part D drugs dispensed on or after January 1, 2025.''; and

(3) in subsection (c), by striking paragraph (2) and inserting the following:

''(2) the Secretary determines that in the period beginning on January 1, 2011, and ending on December 31, 2011 (with respect to paragraphs (1) through (3) of subsection (a)), or the period beginning on January 1, 2025, and ending December 31, 2025 (with respect to paragraphs (4) through (6) of such subsection), there were extenuating circumstances.''.

(h) CONFORMING AMENDMENTS.—

(1) Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(A) in subsection (a)(2)(A)(i)(I), by striking '', or an increase in the initial'' and inserting ''or for a year preceding 2025 an increase in the initial'';

(B) in subsection (c)(1)(C)—

(i) in the subparagraph heading, by striking ''AT INITIAL COVERAGE LIMIT''; and

(ii) by inserting ''for a year preceding 2025 or the annual out-of-pocket threshold specified in subsection (b)(4)(B) for the year for 2025 and each subsequent year'' after ''subsection (b)(3) for the year'' each place it appears; and

(C) in subsection (d)(1)(A), by striking ''or an initial'' and inserting ''or for a year preceding 2025 an initial''.

(2) Section 1860D–4(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 1395w–104(a)(4)(B)(i)) is amended by striking ''the initial'' and inserting ''for a year preceding 2025, the initial''.

(3) Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2025, the continuation'';

(ii) in subparagraph (D)(iii), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''; and

(iii) in subparagraph (E), by striking ''The elimination'' and inserting ''For a year preceding 2025, the elimination''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2025, the continuation''; and

(ii) in subparagraph (E)—

(I) by inserting ''for a year preceding 2025,'' after ''subsection (c)''; and

(II) by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''.

(4) Section 1860D–21(d)(7) of the Social Security Act (42 U.S.C. 1395w–131(d)(7)) is amended by striking ''section 1860D–2(b)(B)(4)(B)(i)'' and inserting ''section 1860D–2(b)(B)(4)(C)(i)''.

(5) Section 1860D–22(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–132(a)(2)(A)) is amended—

(A) by striking ''the value of any discount'' and inserting the following: ''the value of—

''(i) for years prior to 2025, any discount'';

(B) in clause (i), as inserted by subparagraph (A) of this paragraph, by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(ii) for 2025 and each subsequent year, any discount provided pursuant to section 1860D–14B.''.

(6) Section 1860D–41(a)(6) of the Social Security Act (42 U.S.C. 1395w–151(a)(6)) is amended—

(A) by inserting ''for a year before 2025'' after ''1860D–2(b)(3)''; and

(B) by inserting ''for such year'' before the period.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to plan year 2025 and subsequent plan years.

SEC. 121A. MAXIMUM MONTHLY CAP ON COST-SHARING PAYMENTS UNDER PRESCRIPTION DRUG PLANS AND MA–PD PLANS.

(a) IN GENERAL.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)), as amended by section 121, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''and (D)'' and inserting '', (D), and (E)''; and

(B) by adding at the end the following new subparagraph:

''(E) MAXIMUM MONTHLY CAP ON COST-SHARING PAYMENTS.—

''(i) IN GENERAL.—For plan years beginning on or after January 1, 2025, the Secretary shall, through notice and comment rulemaking, establish a process under which each PDP sponsor offering a prescription drug plan and each MA organization offering an MA–PD plan shall provide to any enrollee, including an enrollee who is a subsidy eligible individual (as defined in paragraph (3) of section 1860D–14(a)), the option to elect with respect to a plan year to have their monthly cost-sharing payments under the plan capped in accordance with this subparagraph.

''(ii) DETERMINATION OF MAXIMUM MONTHLY CAP.—For each month in the plan year after an enrollee in a prescription drug plan or an MA–PD plan has made an election pursuant to clause (i), the PDP sponsor or MA organization shall determine a maximum monthly cap (as defined in clause (iv)) for such enrollee.

''(iii) BENEFICIARY MONTHLY PAYMENTS.—With respect to an enrollee who has made an election pursuant to clause (i), for each month described in clause (ii), the PDP sponsor or MA organization shall bill such enrollee an amount (not to exceed the maximum monthly cap) for the out-of-pocket costs of such enrollee in such month.

''(iv) MAXIMUM MONTHLY CAP DEFINED.—In this subparagraph, the term 'maximum monthly cap' means, with respect to an enrollee—

''(I) for the first month in which this subparagraph applies, an amount determined by calculating—

''(aa) the annual out-of-pocket threshold specified in paragraph (4)(B) minus the incurred costs of the enrollee as described in paragraph (4)(C); divided by

''(bb) the number of months remaining in the plan year; and

''(II) for a subsequent month, an amount determined by calculating—

''(aa) the sum of any remaining out-of-pocket costs owed by the enrollee from a previous month that have not yet been billed to the enrollee and any additional costs incurred by the enrollee; divided by

''(bb) the number of months remaining in the plan year.

''(v) ADDITIONAL REQUIREMENTS.—The following requirements shall apply with respect to the option to make an election pursuant to clause (i) under this subparagraph:

''(I) SECRETARIAL RESPONSIBILITIES.—The Secretary shall provide information to part D eligible individuals on the option to make such election through educational materials, including through the notices provided under section 1804(a).

''(II) TIMING OF ELECTION.—An enrollee in a prescription drug plan or an MA–PD plan may make such an election—

''(aa) prior to the beginning of the plan year; or

''(bb) in any month during the plan year.

''(III) PDP SPONSOR AND MA ORGANIZATION RESPONSIBILITIES.—Each PDP sponsor offering a prescription drug plan or MA organization offering an MA–PD plan—

''(aa) may not limit the option for an enrollee to make such an election to certain covered part D drugs;

''(bb) shall, prior to the plan year, notify prospective enrollees of the option to make such an election in promotional materials;

''(cc) shall include information on such option in enrollee educational materials;

''(dd) shall have in place a mechanism to notify a pharmacy during the plan year when an enrollee incurs out-of-pocket costs with respect to covered part D drugs that make it likely the enrollee may benefit from making such an election;

''(ee) shall provide that a pharmacy, after receiving a notification described in item (dd) with respect to an enrollee, informs the enrollee of such notification;

''(ff) shall ensure that such an election by an enrollee has no effect on the amount paid to pharmacies (or the timing of such payments) with respect to covered part D drugs dispensed to the enrollee; and

''(gg) shall have in place a financial reconciliation process to correct inaccuracies in payments made by an enrollee under this subparagraph with respect to covered part D drugs during the plan year.

''(IV) FAILURE TO PAY AMOUNT BILLED.—If an enrollee fails to pay the amount billed for a month as required under this subparagraph, the election of the enrollee pursuant to clause (i) shall be terminated and enrollee shall pay the cost-sharing otherwise applicable for any covered part D drugs subsequently dispensed to the enrollee up to the annual out-of-pocket threshold specified in paragraph (4)(B).

''(V) CLARIFICATION REGARDING PAST DUE AMOUNTS.—Nothing in this subparagraph shall be construed as prohibiting a PDP sponsor or an MA organization from billing an enrollee for an amount owed under this subparagraph.

''(VI) TREATMENT OF UNSETTLED BALANCES.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as plan losses and the Secretary shall not be liable for any such balances outside of those assumed as losses estimated in plan bids.''; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''and subject to subparagraph (F)'' and inserting ''and subject to subparagraphs (F) and (G)''; and

(B) by adding at the end the following new subparagraph:

''(G) INCLUSION OF COSTS PAID UNDER MAXIMUM MONTHLY CAP OPTION.—In applying subparagraph (A), with respect to an enrollee who has made an election pursuant to clause (i) of paragraph (2)(E), costs shall be treated as incurred if such costs are paid by a PDP sponsor or an MA organization under the process provided under such paragraph.''.

(b) APPLICATION TO ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—Section 1860D–2(c) of the Social Security Act (42 U.S.C. 1395w–102(c)) is amended by adding at the end the following new paragraph:

''(4) SAME MAXIMUM MONTHLY CAP ON COST-SHARING.—For plan years beginning on or after January 1, 2025, the maximum monthly cap on cost-sharing payments under the process provided under subsection (b)(2)(E) shall apply to such coverage.''.

SEC. 121B. REQUIRING PHARMACY-NEGOTIATED PRICE CONCESSIONS, PAYMENT, AND FEES TO BE INCLUDED IN NEGOTIATED PRICES AT THE POINT-OF-SALE UNDER PART D OF THE MEDICARE PROGRAM.

Section 1860D–2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)(B)) is amended—

(1) by striking ''PRICES.—For purposes'' and inserting ''PRICES.—

''(i) IN GENERAL.—For purposes''; and

(2) by adding at the end the following new clause:

''(ii) PRICES NEGOTIATED WITH PHARMACY AT POINT-OF-SALE.—For plan years beginning on or after January 1, 2024, a negotiated price for a covered part D drug described in clause (i) shall be the approximate lowest possible reimbursement for such drug negotiated with the pharmacy dispensing such drug, and shall include all contingent and noncontingent price concessions, payments, and fees negotiated with such pharmacy, but shall not include positive incentive payments paid or to be paid to such pharmacy. Such negotiated price shall be provided at the point-of-sale of such drug.''.

SEC. 122. PUBLIC DISCLOSURE OF DRUG DISCOUNTS AND OTHER PHARMACY BENEFIT MANAGER (PBM) PROVISIONS.

(a) PUBLIC DISCLOSURE OF DRUG DISCOUNTS.—

(1) IN GENERAL.—Section 1150A of the Social Security Act (42 U.S.C. 1320b–23) is amended—

(A) in subsection (c), in the matter preceding paragraph (1), by striking ''this section'' and inserting ''subsection (b)(1)''; and

(B) by adding at the end the following new subsection:

''(e) PUBLIC AVAILABILITY OF CERTAIN INFORMATION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), in order to allow patients and employers to compare PBMs' ability to negotiate rebates, discounts, and price concessions and the amount of such rebates, discounts, and price concessions that are passed through to plan sponsors, not later than July 1, 2024, the Secretary shall make available on the Internet website of the Department of Health and Human Services the information provided to the Secretary and described in paragraphs (2) and (3) of subsection (b) with respect to each PBM.

''(2) LAG IN DATA.—The information made available in a plan year under paragraph (1) shall not include information with respect to such plan year or the two preceding plan years.

''(3) CONFIDENTIALITY.—The Secretary shall ensure that such information is displayed in a manner that prevents the disclosure of information on rebates, discounts, and price concessions with respect to an individual drug or an individual PDP sponsor, MA organization, or qualified health benefits plan.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall take effect on January 1, 2024.

(b) PLAN AUDIT OF PHARMACY BENEFIT MANAGER DATA.—Section 1860D–2(d)(3) of the Social Security Act (42 U.S.C. 1395w–102(d)(3)) is amended—

(1) by striking ''AUDITS.—To protect'' and inserting the following: ''AUDITS.—

''(A) AUDITS OF PLANS BY THE SECRETARY.—To protect''; and

(2) by adding at the end the following new subparagraph:

''(B) AUDITS OF PHARMACY BENEFIT MANAGERS BY PDP SPONSORS AND MA ORGANIZATIONS.—

''(i) IN GENERAL.—Beginning January 1, 2024, in order to ensure that—

''(I) contracting terms between a PDP sponsor offering a prescription drug plan or an MA organization offering an MA–PD plan and its contracted or owned pharmacy benefit manager are met; and

''(II) the PDP sponsor and MA organization can account for the cost of each covered part D drug net of all direct and indirect remuneration;

the PDP sponsor or MA organization shall conduct financial audits.

''(ii) INDEPENDENT THIRD PARTY.—An audit described in clause (i) shall—

''(I) be conducted by an independent third party; and

''(II) account and reconcile flows of funds that determine the net cost of covered part D drugs, including direct and indirect remuneration from drug manufacturers and pharmacies or provided to pharmacies.

''(iii) REBATE AGREEMENTS.—A PDP sponsor and an MA organization shall require pharmacy benefit managers to make rebate contracts with drug manufacturers made on their behalf available under audits described in clause (i).

''(iv) CONFIDENTIALITY AGREEMENTS.—Audits described in clause (i) shall be subject to confidentiality agreements to prevent, except as required under clause (vii), the redisclosure of data transmitted under the audit.

''(v) FREQUENCY.—A financial audit under clause (i) shall be conducted periodically (but in no case less frequently than once every 2 years).

''(vi) TIMEFRAME FOR PBM TO PROVIDE INFORMATION.—A PDP sponsor and an MA organization shall require that a pharmacy benefit manager that is being audited under clause (i) provide (as part of their contracting agreement) the requested information to the independent third party conducting the audit within 45 days of the date of the request.

''(vii) SUBMISSION OF AUDIT REPORTS TO THE SECRETARY.—

''(I) IN GENERAL.—A PDP sponsor and an MA organization shall submit to the Secretary the final report on any audit conducted under clause (i) within 30 days of the PDP sponsor or MA organization receiving the report from the independent third party conducting the audit.

''(II) REVIEW.—The Secretary shall review final reports submitted under clause (i) to determine the extent to which the goals specified in subclauses (I) and (II) of subparagraph (B)(i) are met.

''(III) CONFIDENTIALITY.—Notwithstanding any other provision of law, information disclosed in a report submitted under clause (i) related to the net cost of a covered part D drug is confidential and shall not be disclosed by the Secretary or a Medicare contractor.

''(viii) NOTICE OF NONCOMPLIANCE.—A PDP sponsor and an MA organization shall notify the Secretary if any pharmacy benefit manager is not complying with requests for access to information required under an audit under clause (i).

''(ix) CIVIL MONETARY PENALTIES.—

''(I) IN GENERAL.—Subject to subclause (II), if the Secretary determines that a PDP sponsor or an MA organization has failed to conduct an audit under clause (i), the Secretary may impose a civil monetary penalty of not more than $10,000 for each day of such noncompliance.

''(II) PROCEDURE.—The provisions of section 1128A, other than subsections (a) and (b) and the first sentence of subsection (c)(1) of such section, shall apply to civil monetary penalties under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A.''.

(c) DISCLOSURE TO PHARMACY OF POST-POINT-OF-SALE PHARMACY PRICE CONCESSIONS AND INCENTIVE PAYMENTS.—Section 1860D–2(d)(2) of the Social Security Act (42 U.S.C. 1395w–102(d)(2)) is amended—

(1) by striking ''DISCLOSURE.—A PDP sponsor'' and inserting the following: ''DISCLOSURE.—

''(A) TO THE SECRETARY.—A PDP sponsor''; and

(2) by adding at the end the following new subparagraph:

''(B) TO PHARMACIES.—

''(i) IN GENERAL.—For plan year 2024 and subsequent plan years, a PDP sponsor offering a prescription drug plan and an MA organization offering an MA–PD plan shall report any pharmacy price concession or incentive payment that occurs with respect to a pharmacy after payment for covered part D drugs at the point-of-sale, including by an intermediary organization with which a PDP sponsor or MA organization has contracted, to the pharmacy.

''(ii) TIMING.—The reporting of price concessions and incentive payments to a pharmacy under clause (i) shall be made on a periodic basis (but in no case less frequently than annually).

''(iii) CLAIM LEVEL.—The reporting of price concessions and incentive payments to a pharmacy under clause (i) shall be at the claim level or approximated at the claim level if the price concession or incentive payment was applied at a level other than at the claim level.''.

(d) DISCLOSURE OF P&T COMMITTEE CONFLICTS OF INTEREST.—

(1) IN GENERAL.—Section 1860D–4(b)(3)(A) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(A)) is amended by adding at the end the following new clause:

''(iii) DISCLOSURE OF CONFLICTS OF INTEREST.—With respect to plan year 2024 and subsequent plan years, a PDP sponsor of a prescription drug plan and an MA organization offering an MA–PD plan shall, as part of its bid submission under section 1860D–11(b), provide the Secretary with a completed statement of financial conflicts of interest, including with manufacturers, from each member of any pharmacy and therapeutic committee used by the sponsor or organization pursuant to this paragraph.''.

(2) INCLUSION IN BID.—Section 1860D–11(b)(2) of the Social Security Act (42 U.S.C. 1395w–111(b)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (G); and

(B) by inserting after subparagraph (E) the following new subparagraph:

''(F) P&T COMMITTEE CONFLICTS OF INTEREST.—The information required to be disclosed under section 1860D–4(b)(3)(A)(iii).''.

(e) INFORMATION ON DIRECT AND INDIRECT REMUNERATION REQUIRED TO BE INCLUDED IN BID.—Section 1860D–11(b) of the Social Security Act (42 U.S.C. 1395w–111(b)) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''With respect to actual amounts of direct and indirect remuneration submitted pursuant to clause (v) of paragraph (2), such amounts shall be consistent with data reported to the Secretary in a prior year.''; and

(2) in paragraph (2)(C)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting the following: '', and, with respect to plan year 2024 and subsequent plan years, actual and projected administrative expenses assumed in the bid, categorized by the type of such expense, including actual and projected price concessions retained by a pharmacy benefit manager; and''; and

(C) by adding at the end the following new clause:

''(v) with respect to plan year 2024 and subsequent plan years, actual and projected direct and indirect remuneration, categorized as received from each of the following:

''(I) A pharmacy.

''(II) A manufacturer.

''(III) A pharmacy benefit manager.

''(IV) Other entities, as determined by the Secretary.''.

SEC. 123. PUBLIC DISCLOSURE OF DIRECT AND INDIRECT REMUNERATION REVIEW AND AUDIT RESULTS.

Section 1860D–42 of the Social Security Act (42 U.S.C. 1395w–152) is amended by adding at the end the following new subsection:

''(e) PUBLIC DISCLOSURE OF DIRECT AND INDIRECT REMUNERATION REVIEW AND FINANCIAL AUDIT RESULTS.—

''(1) DIRECT AND INDIRECT REMUNERATION REVIEW RESULTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in 2023 and each subsequent year, the Secretary shall make available to the public on the Internet website of the Centers for Medicare & Medicaid Services information on discrepancies related to summary and detailed direct and indirect remuneration reports submitted by PDP sponsors pursuant to section 1860D–15 across all prescription drug plans based on the most recent data available. Information made available under this subparagraph shall include the following:

''(i) The number of potential discrepancies in summary and detailed direct and indirect remuneration identified by the Secretary for PDP sponsors to review.

''(ii) The extent to which PDP sponsors resubmitted summary direct and indirect remuneration reports to make changes for previous contract years.

''(iii) The extent to which resubmitted summary direct and indirect remuneration reports resulted in an increase or decrease in direct and indirect remuneration in a previous contract year.

''(B) EXCLUSION OF CERTAIN SUBMISSIONS IN CALCULATION.—The Secretary shall exclude any information in direct and indirect remuneration reports submitted with respect to PACE programs under section 1894 (pursuant to section 1860D–21(f)) and qualified retiree prescription drug plans (as defined in section 1860D–22(a)(2)) from the information that is made available to the public under subparagraph (A).

''(2) FINANCIAL AUDIT RESULTS.—In 2023 and each subsequent year, the Secretary shall make available to the public on the Internet website of the Centers for Medicare & Medicaid Services data on the results of financial audits required under section 1860D–12(b)(3)(C). Information made available under this paragraph shall include the following:

''(A) With respect to a year, the number of PDP sponsors that received each of the following (or successor categories), with an indication of the number that pertain to direct and indirect remuneration:

''(i) A notice of observations or findings.

''(ii) An unqualified audit opinion that renders the audit closed.

''(iii) A qualified audit opinion that requires the sponsor to submit a corrective action plan to the Secretary.

''(iv) An adverse opinion, with a description of the types of actions that the Secretary takes when issuing an adverse opinion.

''(v) A disclaimed opinion.

''(B) With respect to a year, the number of PDP sponsors—

''(i) that reopened a previously closed reconciliation as a result of an audit, indicating those that pertain to direct and indirect remuneration changes; and

''(ii) for which the Secretary recouped a payment or made a payment as a result of a reopening of a previously closed reconciliation, indicating when such recoupment or payment pertains to direct and indirect remuneration.

''(3) NO IDENTIFICATION OF SPECIFIC PDP SPONSORS.—The information to be made available on the Internet website of the Centers for Medicare & Medicaid Services described in paragraph (1) and paragraph (2) shall not identity the specific PDP sponsor to which any determination or action pertains.

''(4) DEFINITION OF DIRECT AND INDIRECT REMUNERATION.—For purposes of this subsection, the term 'direct and indirect remuneration' means direct and indirect remuneration as described in section 423.308 of title 42, Code of Federal Regulations, or any successor regulation.''.

SEC. 124. IMPROVEMENTS TO PROVISION OF PARTS A AND B CLAIMS DATA TO PRESCRIPTION DRUG PLANS.

(a) DATA USE.—

(1) IN GENERAL.—Paragraph (6) of section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as added by section 50354 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), relating to providing prescription drug plans with parts A and B claims data to promote the appropriate use of medications and improve health outcomes, is amended—

(A) in subparagraph (B)—

(i) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and moving such subclauses 2 ems to the right;

(ii) by striking ''PURPOSES.—A PDP sponsor'' and inserting PURPOSES—

''(i) IN GENERAL.—A PDP sponsor.''; and

(iii) by adding at the end the following new clause:

''(ii) CLARIFICATION.—The limitation on data use under subparagraph (C)(i) shall not apply to the extent that the PDP sponsor is using the data provided to carry out any of the purposes described in clause (i).''; and

(B) in subparagraph (C)(i), by striking ''To inform'' and inserting ''Subject to subparagraph (B)(ii), to inform''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning on or after January 1, 2024.

(b) MANNER OF PROVISION.—Subparagraph (D) of such paragraph (6) is amended—

(1) by striking ''DESCRIBED.—The data described in this clause'' and inserting ''DESCRIBED.—

''(i) IN GENERAL.—The data described in this subparagraph''; and

(2) by adding at the end the following new clause:

''(ii) MANNER OF PROVISION.—

''(I) IN GENERAL.—Such data may be provided pursuant to this paragraph in the same manner as data under the Part D Enhanced Medication Therapy Management model tested under section 1115A, through Application Programming Interface, or in another manner as determined by the Secretary.

''(II) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this clause by program instruction or otherwise.''.

(c) TECHNICAL CORRECTION.—Such paragraph (6) is redesignated as paragraph (7).

SEC. 125. MEDICARE PART D REBATE BY MANUFACTURERS FOR CERTAIN DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.

(a) IN GENERAL.—Subpart 2 of part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14B, as added by section 121, the following new section:

''SEC. 1860D–14C. MANUFACTURER REBATE FOR CERTAIN DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.

''(a) REQUIREMENTS.—

''(1) SECRETARIAL PROVISION OF INFORMATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 6 months after the end of each rebate period (as defined in paragraph (4)(A)) beginning on or after January 1, 2025, the Secretary shall, for each rebatable covered part D drug (as defined in paragraph (4)(B)), report to each manufacturer (as defined in paragraph (4)(C)) of such rebatable covered part D drug the following for the rebate period:

''(i) Information on the total number of units (as defined in paragraph (4)(D)) of each dosage form and strength described in paragraph (1)(A) of subsection (b) for such rebatable covered part D drug and rebate period.

''(ii) Information on the amount (if any) of the excess price described in paragraph (1)(B) of such subsection for such rebatable covered part D drug and rebate period.

''(iii) The rebate amount specified under such subsection for such rebatable covered part D drug and rebate period.

''(iv) Other information determined appropriate by the Secretary.

''(B) TRANSITION RULE FOR INFORMATION IN 2025.—Notwithstanding subparagraph (A), the Secretary may, for each rebatable covered part D drug, delay the timeframe for reporting the information and rebate amount described in clauses (i), (ii), (iii), and (iv) of such subparagraph for rebate periods in 2025 until not later than December 31, 2026.

''(2) MANUFACTURER REBATE.—

''(A) IN GENERAL.—Subject to subparagraph (B), for each rebate period beginning on or after January 1, 2025, each manufacturer of a rebatable covered part D drug shall, not later than 30 days after the date of receipt from the Secretary of the information and rebate amount pursuant to paragraph (1), provide to the Secretary a rebate that is equal to the amount specified in subsection (b) for such drug for such rebate period.

''(B) EXEMPTION FOR SHORTAGES.—The Secretary may reduce or waive the rebate under this paragraph with respect to a rebatable covered part D drug that is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act.

''(3) REQUEST FOR RECONSIDERATION.—The Secretary shall establish procedures under which a manufacturer of a rebatable covered part D drug may request a reconsideration by the Secretary of the rebate amount specified under subsection (b) for such drug and rebate period, as reported to the manufacturer pursuant to paragraph (1). Timing for a reconsideration shall be coordinated with the timing of reconciliation, as described in subsection (b)(6) and as determined appropriate by the Secretary.

''(4) DEFINITIONS.—In this section:

''(A) REBATE PERIOD.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'rebate period' means, with respect to a year, each of the six month periods that begin on January 1 and July 1 of the year.

''(ii) INITIAL REBATE PERIOD FOR SUBSEQUENTLY APPROVED DRUGS.—In the case of a rebatable covered part D drug described in subsection (c), the initial rebate period for which a rebate amount is determined for such rebatable covered part D drug pursuant to such subsection shall be the period beginning with the first month after the last day of the six month period that begins on the day on which the drug was first marketed and ending on the last day of the first full rebate period under clause (i) that follows the last day of such six month period.

''(B) REBATABLE COVERED PART D DRUG.—The term 'rebatable covered part D drug' means a covered part D drug approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351(a) of the Public Health Service Act.

''(C) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in section 1860D—14A(g).

''(D) UNITS.—The term 'units' means, with respect to a rebatable covered part D drug, the lowest common quantity (such as the number of capsules or tablets, milligrams of molecules, or grams) of such drug dispensed to individuals under this part.

''(E) PRICE.—The term 'price' means, with respect to a rebatable covered part D drug, the wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for such drug.

''(b) REBATE AMOUNT.—

''(1) IN GENERAL.—Subject to subsection (e)(2), the amount of the rebate specified in this subsection for a rebate period, with respect to each dosage form and strength of a rebatable covered part D drug, is the amount equal to the product of—

''(A) the total number of units of such dosage form and strength for each rebatable covered part D drug during the rebate period; and

''(B) the amount (if any) by which—

''(i) the unit-weighted average price for such dosage form and strength of the drug determined under paragraph (2) for the rebate period; exceeds

''(ii) the inflation-adjusted price for such dosage form and strength determined under paragraph (3) for the rebate period.

''(2) DETERMINATION OF UNIT-WEIGHTED AVERAGE PRICE.—

''(A) IN GENERAL.—The unit-weighted average price determined under this paragraph for a rebate period, with respect to each dosage form and strength of a rebatable covered Part D drug, is the sum of the products of—

''(i) the weighted average price determined under subparagraph (B) with respect to each package size of such dosage form and strength dispensed during the rebate period; and

''(ii) the ratio of—

''(I) the total number of units of such package size dispensed during the rebate period; to

''(II) the total number of units of such dosage form and strength of such drug dispensed during such rebate period.

''(B) COMPUTATION OF WEIGHTED AVERAGE PRICE.—The weighted average price, with respect to each package size of such dosage form and strength of a rebatable covered part D drug dispensed during a rebate period, is the sum of the products of—

''(i) each price, as calculated for a unit of such drug, applicable to each package size of such dosage form and strength of such drug during the rebate period; and

''(ii) the ratio of—

''(I) the number of days for which each such price is applicable during the rebate period; to

''(II) the total number of days in such rebate period.

''(3) DETERMINATION OF INFLATION-ADJUSTED PRICE.—

''(A) IN GENERAL.—The inflation-adjusted price determined under this paragraph for a rebate period, with respect to each dosage form and strength of a rebatable covered part D drug, is—

''(i) the benchmark unit-weighted price determined under subparagraph (B) for the rebate period; increased by

''(ii) the percentage by which the rebate period CPI–U (as defined in paragraph (4)) for the rebate period exceeds the benchmark CPI–U (as defined in paragraph (5)).

''(B) DETERMINATION OF BENCHMARK UNIT-WEIGHTED PRICE.—The benchmark unit-weighted price determined under this subparagraph for a rebate period, with respect to each dosage form and strength of a rebatable covered part D drug, is the sum of the products of—

''(i) each price, as calculated for a unit of such drug, applicable to each package size of such dosage form and strength of such drug on July 1, 2021; and

''(ii) the ratio of—

''(I) the total number of units of such package size dispensed on July 1, 2021; to

''(II) the total number of units of such dosage form and strength dispensed on July 1, 2021.

''(4) BENCHMARK CPI–U.—The term 'benchmark CPI–U' means the consumer price index for all urban consumers (United States city average) for July 2021.

''(5) REBATE PERIOD CPI–U.—The term 'rebate period CPI–U' means, with respect to a rebate period, the consumer price index for all urban consumers (United States city average) for the last month of the rebate period.

''(6) ANNUAL RECONCILIATION OF REBATE AMOUNT.—The Secretary shall, on an annual basis, conduct a one-time reconciliation of the rebate amounts owed by a manufacturer under this section based on any changes submitted by a PDP sponsor of a prescription drug plan or an MA organization offering an MA–PD plan to the number of units of a rebatable covered part D drug dispensed during the preceding year. Such reconciliation shall be completed not later than 6 months after the date by which the Secretary reconciles payment for covered part D drugs with PDP sponsors of prescription drug plans or MA organizations offering MA–PD plans.

''(c) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—Subject to subsection (e)(2), in the case of a rebatable covered part D drug first approved or licensed by the Food and Drug Administration after July 1, 2021—

''(1) subparagraph (A)(ii) of subsection (b)(3) shall be applied as if the term 'benchmark CPI–U' were defined under subsection (b)(4) as if the reference to 'July 2021' under such subsection were a reference to 'the first month after the last day of the six month period that begins on the day on which the drug was first marketed'; and

''(2) subsection (b)(3) shall be applied by substituting, for the benchmark unit-weighted price otherwise determined under subparagraph (B) of such subsection, the benchmark unit-weighted average price determined under paragraph (3) for the rebate period;

''(3) the benchmark unit-weighted average price determined under this paragraph for a rebate period, with respect to each dosage form and strength of a rebatable covered part D drug, is the sum of the products of—

''(A) the subsequently rebatable drug weighted average price determined under paragraph (4) with respect to each package size of such dosage form and strength of such drug dispensed during the six month period that begins on the day on which the drug was first marketed; and

''(B) the ratio of—

''(i) the total number of units of such package size dispensed during the six month period that begins on the day on which the drug was first marketed; to

''(ii) the total number of units of such dosage form and strength of such drug dispensed during such six month period; and

''(4) the subsequently rebatable drug weighted average price, with respect to each package size of such dosage form and strength of such rebatable covered part D drug dispensed during the six month period that begins on the day on which the drug was first marketed, is the sum of the products of—

''(A) each price, as calculated for a unit of such drug, applicable to each package size of such dosage form and strength of such drug during the six month period that begins on the day on which the drug was first marketed; and

''(B) the ratio of—

''(i) the number of days for which each such price is applicable during such six month period; to

''(ii) the total number of days in such six month period.

''(d) REBATE DEPOSITS.—Amounts paid as rebates under subsection (b) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(e) ADMINISTRATION.—

''(1) PERIODIC AUDITS.—The Secretary shall permit a manufacturer of a rebatable covered part D drug to conduct periodic audits, directly or through contracts, of the data and information used to determine the rebate amount for such drug under this section.

''(2) SPECIAL RULES FOR CALCULATION OF BENCHMARK UNIT-WEIGHTED PRICE AND BENCHMARK-UNIT-WEIGHTED AVERAGE PRICE.—

''(A) BENCHMARK UNIT-WEIGHTED PRICE.—In the case that the benchmark unit-weighted price of a dosage form and strength of a rebatable covered part D drug is determined under subsection (b)(3)(B) to be $0 due to no units of such dosage form and strength of such drug being dispensed on July 1, 2021, the Secretary may use a calculation, as determined appropriate by the Secretary, to determine the benchmark-unit weighted price for such dosage form and strength of such drug that is different than the calculation described in such subsection.

''(B) BENCHMARK UNIT-WEIGHTED AVERAGE PRICE.—In the case that the benchmark unit-weighted average price of a dosage form and strength of a rebatable covered part D drug described under subsection (c) is determined under paragraph (3) of such subsection to be $0 due to no units of such dosage form and strength of such drug being dispensed during the six month period that begins on the day on which the drug was first marketed, the Secretary may use a calculation, as determined appropriate by the Secretary, to determine the benchmark-unit weighted average price for such dosage form and strength of such drug that is different than the calculation described in such paragraph.

''(3) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the program under this section.

''(4) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the determination of the rebate amount under subsection (b), including with respect to a subsequently approved drug pursuant to subsection (c), including—

''(A) the determination of—

''(i) the total number of units of each rebatable covered part D drug under subsection (b)(1)(A);

''(ii) the unit-weighted average price under subsection (b)(2);

''(iii) the inflation-adjusted price under subsection (b)(3);

''(iv) the benchmark unit-weighted average price under subsection (c)(3); and

''(v) the subsequently rebatable drug weighted average price under subsection (c)(4); and

''(B) the application of special rules for calculation of benchmark unit-weighted price and benchmark unit-weighted average price under paragraph (2) of this subsection.

''(f) CIVIL MONEY PENALTY.—

''(1) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to comply with the requirements under subsection (a)(2) with respect to providing a rebate for a rebatable covered part D drug for a rebate period for each such failure in an amount equal to the sum of—

''(A) the rebate amount determined pursuant to subsection (b) for such drug for such rebate period; and

''(B) 25 percent of such amount.

''(2) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as having any effect on—

''(1) any formulary design under section 1860D–4(b)(3); or

''(2) any discounts provided under the coverage gap discount program under section 1860D–14A or the manufacturer catastrophic discount program under section 1860D–14B.

''(h) REBATE AGREEMENT.—

''(1) IN GENERAL.—The Secretary shall enter into agreements described in paragraph (2) with manufacturers.

''(2) TERMS OF AGREEMENT.—

''(A) IN GENERAL.—A rebate agreement under this paragraph shall require the manufacturer to provide to the Secretary rebates required under subsection (a)(2)(A) with respect to a rebate period.

''(B) MANUFACTURER PROVISION OF PRICE AND DRUG PRODUCT INFORMATION.—Each manufacturer with an agreement in effect under this subsection shall report to the Secretary, with respect to each rebatable covered part D drug of the manufacturer, at a time specified by the Secretary—

''(i) for each calendar month under the rebate agreement—

''(I) each wholesale acquisition cost (as defined in section 1847A(c)(6)) applicable during the month, applicable to each National Drug Code for the dosage form and strength of such rebatable covered part D drug; and

''(II) the number of days with respect to which each wholesale acquisition cost reported was applicable;

''(ii) the wholesale acquisition cost (as so defined) applicable on July 1, 2021, applicable to each National Drug Code for the dosage form and strength of such rebatable covered part D drug (or, in the case of a rebatable covered part D drug first approved or licensed by the Food and Drug Administration after July 1, 2021, each wholesale acquisition cost applicable to each National Drug Code of each dosage form and strength of the rebatable covered part D drug of the manufacturer during the six month period that begins on the day on which the drug was first marketed); and

''(iii) such other information as the Secretary shall require.

Information reported under this subparagraph is subject to audit by the Inspector General of the Department of Health and Human Services.

''(3) CIVIL MONEY PENALTIES.—The provisions of subparagraph (C) of section 1927(b)(3) shall apply with respect to information required pursuant to paragraph (2)(B) of this subsection and the failure to provide such information in the same manner and to the same extent as such provisions apply with respect to information required under subparagraph (A) of such section 1927(b)(3) and the failure to provide such information.

''(4) COORDINATION.—The Secretary may coordinate rebate agreements required under this subsection with agreements required under section 1860D–14B.

''(i) FUNDING.—

''(1) IN GENERAL.—There are appropriated to the Secretary, from the Federal Supplementary Medical Insurance Trust Fund established under section 1841—

''(A) for each of calendar years 2022 through 2027, $4,000,000; and

''(B) for each subsequent calendar year, such sums as are necessary to carry out this section.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153), as amended by section 121(g), is amended—

(A) in subsection (a)—

(i) in paragraph (5), by striking ''and'' at the end;

(ii) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(7) have entered into and have in effect an agreement described in section 1860D–14C(h)(2) with the Secretary.'';

(B) in subsection (b), by striking ''(6)'' and inserting ''(7)''; and

(C) in subsection (c), by striking ''(6)'' and inserting ''(7)''.

(2) Section 1927(c)(1)(C)(VI) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(VI)) is amended—

(A) by striking ''or any discounts'' and inserting ''any discounts''; and

(B) by inserting '', or any rebates under section 1860D–14C'' before the period.

SEC. 126. PROHIBITING BRANDING ON PART D BENEFIT CARDS.

(a) IN GENERAL.—Section 1851(j)(2)(B) of the Social Security Act (42 U.S.C. 1395w–21(j)(2)(B)) is amended by striking ''co-branded network provider'' and inserting ''co-branded, co-owned, or affiliated network provider, pharmacy, or pharmacy benefit manager''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2024.

SEC. 127. REQUIRING PRESCRIPTION DRUG PLANS AND MA–PD PLANS TO REPORT POTENTIAL FRAUD, WASTE, AND ABUSE TO THE SECRETARY OF HHS.

Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

''(p) REPORTING POTENTIAL FRAUD, WASTE, AND ABUSE.—Beginning January 1, 2023, the PDP sponsor of a prescription drug plan shall report to the Secretary, as specified by the Secretary—

''(1) any substantiated or suspicious activities (as defined by the Secretary) with respect to the program under this part as it relates to fraud, waste, and abuse; and

''(2) any steps made by the PDP sponsor after identifying such activities to take corrective actions.''.

SEC. 128. ESTABLISHMENT OF PHARMACY QUALITY MEASURES UNDER MEDICARE PART D.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as amended by section 124, is amended by adding at the end the following new paragraph:

''(8) APPLICATION OF PHARMACY QUALITY MEASURES.—

''(A) IN GENERAL.—A PDP sponsor that makes incentive payments to a pharmacy or receives price concessions paid by a pharmacy based on quality measures shall, for the purposes of such incentive payments or price concessions with respect to covered part D drugs dispensed by such pharmacy, only use measures—

''(i) established or adopted by the Secretary under subparagraph (B), as listed under clause (ii) of such subparagraph; and

''(ii) that are relevant to the performance of such pharmacy with respect to areas that the pharmacy can impact.

''(B) STANDARD PHARMACY QUALITY MEASURES.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall establish or adopt quality measures from one or more multi-stakeholder, consensus organizations to be used by a PDP sponsor for the purposes of determining incentive payments and price concessions described in subparagraph (A). Such measures shall be evidence-based and focus on pharmacy performance on patient health outcomes and other areas, as determined by the Secretary, that the pharmacy can impact.

''(ii) MAINTENANCE OF LIST.—The Secretary shall maintain a single list of measures established or adopted under this subparagraph.

''(C) EFFECTIVE DATE.—The requirement under subparagraph (A) shall take effect for plan years beginning on January 1, 2024, or such earlier date specified by the Secretary if the Secretary determines there are sufficient measures established or adopted under subparagraph (B) for the purposes of the requirement under subparagraph (A).''.

SEC. 129. ADDITION OF NEW MEASURES BASED ON ACCESS TO BIOSIMILAR BIOLOGICAL PRODUCTS TO THE 5-STAR RATING SYSTEM UNDER MEDICARE ADVANTAGE.

(a) IN GENERAL.—Section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)) is amended by adding at the end the following new subparagraph:

''(E) ADDITION OF NEW MEASURES BASED ON ACCESS TO BIOSIMILAR BIOLOGICAL PRODUCTS.—

''(i) IN GENERAL.—For 2028 and subsequent years, the Secretary shall add a new set of measures to the 5-star rating system based on access to biosimilar biological products covered under part B and, in the case of MA–PD plans, such products that are covered part D drugs. Such measures shall assess the impact a plan's benefit structure may have on enrollees' utilization of or ability to access biosimilar biological products, including in comparison to the reference biological product, and shall include measures, as applicable, with respect to the following:

''(I) COVERAGE.—Assessing whether a biosimilar biological product is on the plan formulary in lieu of or in addition to the reference biological product.

''(II) PREFERENCING.—Assessing tier placement or cost-sharing for a biosimilar biological product relative to the reference biological product.

''(III) UTILIZATION MANAGEMENT TOOLS.—Assessing whether and how utilization management tools are used with respect to a biosimilar biological product relative to the reference biological product.

''(IV) UTILIZATION.—Assessing the percentage of enrollees prescribed the biosimilar biological product and the percentage of enrollees prescribed the reference biological product when the reference biological product is also on the plan formulary.

''(ii) DEFINITIONS.—In this subparagraph, the terms 'biosimilar biological product' and 'reference biological product' have the meaning given those terms in section 1847A(c)(6).

''(iii) PROTECTING PATIENT INTERESTS.—In developing such measures, the Secretary shall ensure that each measure developed to address coverage, preferencing, or utilization management is constructed such that patients retain access to appropriate therapeutic options without undue administrative burden.''.

(b) CLARIFICATION REGARDING APPLICATION TO PRESCRIPTION DRUG PLANS.—To the extent the Secretary of Health and Human Services applies the 5-star rating system under section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)), or a similar system, to prescription drug plans under part D of title XVIII of such Act, the provisions of subparagraph (E) of such section, as added by subsection (a) of this section, shall apply under the system with respect to such plans in the same manner as such provisions apply to the 5-star rating system under such section 1853(o)(4).

SEC. 130. FAIRNESS IN THE CALCULATION OF THE PART D PREMIUM.

(a) IN GENERAL.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)) is amended—

(1) in paragraph (3)(A), by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in paragraph (8))''; and

(2) by adding at the end the following new paragraph:

''(8) APPLICABLE PERCENT.—For purposes of paragraph (3)(A), the applicable percent specified in this paragraph is—

''(A) for years prior to 2024, 25.5 percent; and

''(B) for 2024 and subsequent years, 24.5 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) SUBSIDY.—Section 1860D–15(a) of the Social Security Act (42 U.S.C. 1395w–115(a)) is

amended, in the matter preceding paragraph (1), by inserting ''(or, for 2022 and subsequent years, 75.5 percent)'' after ''74.5 percent''.

(2) FALLBACK AREA MONTHLY BENEFICIARY PREMIUM.—Section 1860D–11(g)(6) of the Social Security Act (42 U.S.C. 1395w–111(g)(6)) is amended by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in section 1860D–13(a)(8))''.

(3) INCOME-RELATED MONTHLY ADJUSTMENT AMOUNT (IRMAA).—Section 1860D–13(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395w–113(a)(7)(B)(i)(II)) is amended by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in paragraph (8))''.

SEC. 131. HHS STUDY AND REPORT ON THE INFLUENCE OF PHARMACEUTICAL MANUFACTURER THIRD-PARTY REIMBURSEMENT HUBS ON HEALTH CARE PROVIDERS WHO PRESCRIBE THEIR DRUGS AND BIOLOGICALS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study on the influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services on health care providers who prescribe the manufacturer's drugs and biologicals, including for Medicare part D beneficiaries.

(2) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services to health care providers who prescribe the manufacturer's drugs and biologicals, including—

(i) the operations of pharmaceutical manufacturer distribution models that provide reimbursement hub services for health care providers who prescribe the manufacturer's products;

(ii) Federal laws affecting these pharmaceutical manufacturer distribution models; and

(iii) whether hub services could improperly incentivize health care providers to deem a drug or biological as medically necessary under section 423.578 of title 42, Code of Federal Regulations.

(B) Other areas determined appropriate by the Secretary.

(b) REPORT.—Not later than July 1, 2024, the Secretary shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(c) CONSULTATION.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Secretary shall consult with the Attorney General.

Subtitle C—Miscellaneous

SEC. 141. DRUG MANUFACTURER PRICE TRANSPARENCY.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128K the following new section:

''SEC. 1128L. DRUG MANUFACTURER PRICE TRANSPARENCY.

''(a) IN GENERAL.—

''(1) DETERMINATIONS.—Beginning July 1, 2024, the Secretary shall make determinations as to whether a drug is an applicable drug as described in subsection (b).

''(2) REQUIRED JUSTIFICATION.—If the Secretary determines under paragraph (1) that an applicable drug is described in subsection (b), the manufacturer of the applicable drug shall submit to the Secretary the justification described in subsection (c) in accordance with the timing described in subsection (d).

''(b) APPLICABLE DRUG DESCRIBED.—

''(1) IN GENERAL.—An applicable drug is described in this subsection if it meets any of the following at the time of the determination:

''(A) LARGE INCREASE.—The drug (per dose)—

''(i) has a wholesale acquisition cost of at least $10; and

''(ii) had an increase in the wholesale acquisition cost, with respect to determinations made—

''(I) during 2022, of at least 100 percent since the date of the enactment of this section;

''(II) during 2023, of at least 100 percent in the preceding 12 months or of at least 150 percent in the preceding 24 months;

''(III) during 2024, of at least 100 percent in the preceding 12 months or of at least 200 percent in the preceding 36 months;

''(IV) during 2025, of at least 100 percent in the preceding 12 months or of at least 250 percent in the preceding 48 months; or

''(V) on or after January 1, 2026, of at least 100 percent in the preceding 12 months or of at least 300 percent in the preceding 60 months.

''(B) HIGH SPENDING WITH INCREASE.—The drug—

''(i) was in the top 50th percentile of net spending under title XVIII or XIX (to the extent data is available) during any 12-month period in the preceding 60 months; and

''(ii) per dose, had an increase in the wholesale acquisition cost, with respect to determinations made—

''(I) during 2022, of at least 15 percent since the date of the enactment of this section;

''(II) during 2023, of at least 15 percent in the preceding 12 months or of at least 20 percent in the preceding 24 months;

''(III) during 2024, of at least 15 percent in the preceding 12 months or of at least 30 percent in the preceding 36 months;

''(IV) during 2025, of at least 15 percent in the preceding 12 months or of at least 40 percent in the preceding 48 months; or

''(V) on or after January 1, 2026, of at least 15 percent in the preceding 12 months or of at least 50 percent in the preceding 60 months.

''(C) HIGH LAUNCH PRICE FOR NEW DRUGS.—In the case of a drug that is marketed for the first time on or after January 1, 2022, and for which the manufacturer has established the first wholesale acquisition cost on or after such date, such wholesale acquisition cost for a year's supply or a course of treatment for such drug exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(2) SPECIAL RULES.—

''(A) AUTHORITY OF SECRETARY TO SUBSTITUTE PERCENTAGES WITHIN A DE MINIMIS RANGE.—For purposes of applying paragraph (1), the Secretary may substitute for each percentage described in subparagraph (A) or (B) of such paragraph (other than the percentile described subparagraph (B)(i) of such paragraph) a percentage within a de minimis range specified by the Secretary below the percentage so described.

''(B) DRUGS WITH HIGH LAUNCH PRICES ANNUALLY REPORT UNTIL A THERAPEUTIC EQUIVALENT IS AVAILABLE.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (C) of paragraph (1), such drug shall remain described in such subparagraph (C) (and the manufacturer of such drug shall annually report the justification under subsection (c)(2)) until the Secretary determines that there is a therapeutic equivalent (as defined in section 314.3 of title 21, Code of Federal Regulations, or any successor regulation) for such drug.

''(3) DOSE.—For purposes of applying paragraph (1), the Secretary shall establish a definition of the term 'dose'.

''(c) JUSTIFICATION DESCRIBED.—

''(1) INCREASE IN WAC.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (A) or (B) of subsection (b)(1), the justification described in this subsection is all relevant, truthful, and nonmisleading information and supporting documentation necessary to justify the increase in the wholesale acquisition cost of the applicable drug of the manufacturer, as determined appropriate by the Secretary and which may include the following:

''(A) The individual factors that have contributed to the increase in the wholesale acquisition cost.

''(B) An explanation of the role of each factor in contributing to such increase.

''(C) Total expenditures of the manufacturer on—

''(i) materials and manufacturing for such drug;

''(ii) acquiring patents and licensing for each drug of the manufacturer; and

''(iii) costs to purchase or acquire the drug from another company, if applicable.

''(D) The percentage of total expenditures of the manufacturer on research and development for such drug that was derived from Federal funds.

''(E) The total expenditures of the manufacturer on research and development for such drug.

''(F) The total revenue and net profit generated from the applicable drug for each calendar year since drug approval.

''(G) The total expenditures of the manufacturer that are associated with marketing and advertising for the applicable drug.

''(H) Additional information specific to the manufacturer of the applicable drug, such as—

''(i) the total revenue and net profit of the manufacturer for the period of such increase, as determined by the Secretary;

''(ii) metrics used to determine executive compensation;

''(iii) any additional information related to drug pricing decisions of the manufacturer, such as total expenditures on—

''(I) drug research and development; or

''(II) clinical trials on drugs that failed to receive approval by the Food and Drug Administration.

''(2) HIGH LAUNCH PRICE.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (C) of subsection (b)(1), the justification described in this subsection is all relevant, truthful, and nonmisleading information and supporting documentation necessary to justify the wholesale acquisition cost of the applicable drug of the manufacturer, as determined by the Secretary and which may include the items described in subparagraph (C) through (H) of paragraph (1).

''(d) TIMING.—

''(1) NOTIFICATION.—Not later than 60 days after the date on which the Secretary makes the determination that a drug is an applicable drug under subsection (b), the Secretary shall notify the manufacturer of the applicable drug of such determination.

''(2) SUBMISSION OF JUSTIFICATION.—Not later than 180 days after the date on which a manufacturer receives a notification under paragraph (1), the manufacturer shall submit to the Secretary the justification required under subsection (a).

''(3) POSTING ON INTERNET WEBSITE.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 30 days after receiving the justification under paragraph (2), the Secretary shall post on the Internet website of

the Centers for Medicare & Medicaid Services the justification, together with a summary of such justification that is written and formatted using language that is easily understandable by beneficiaries under titles XVIII and XIX.

''(B) EXCLUSION OF PROPRIETARY INFORMATION.—The Secretary shall exclude proprietary information, such as trade secrets and intellectual property, submitted by the manufacturer in the justification under paragraph (2) from the posting described in subparagraph (A).

''(e) EXCEPTION TO REQUIREMENT FOR SUBMISSION.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (A) or (B) of subsection (b)(1), the requirement to submit a justification under subsection (a) shall not apply where the manufacturer, after receiving the notification under subsection (d)(1) with respect to the applicable drug of the manufacturer, reduces the wholesale acquisition cost of a drug so that it no longer is described in such subparagraph (A) or (B) for at least a 4-month period, as determined by the Secretary.

''(f) PENALTIES.—

''(1) FAILURE TO SUBMIT TIMELY JUSTIFICATION.—If the Secretary determines that a manufacturer has failed to submit a justification as required under this section, including in accordance with the timing and form required, with respect to an applicable drug, the Secretary shall apply a civil monetary penalty in an amount of $10,000 for each day the manufacturer has failed to submit such justification as so required.

''(2) FALSE INFORMATION.—Any manufacturer that submits a justification under this section and knowingly provides false information in such justification is subject to a civil monetary penalty in an amount not to exceed $100,000 for each item of false information.

''(3) APPLICATION OF PROCEDURES.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil monetary penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). Civil monetary penalties imposed under this subsection are in addition to other penalties as may be prescribed by law.

''(g) DEFINITIONS.—In this section:

''(1) DRUG.—The term 'drug' means a drug, as defined in section 201(g) of the Federal Food, Drug, and Cosmetic Act, that is intended for human use and subject to section 503(b)(1) of such Act, including a product licensed under section 351 of the Public health Service Act.

''(2) MANUFACTURER.—The term 'manufacturer' has the meaning given that term in section 1847A(c)(6)(A).

''(3) WHOLESALE ACQUISITION COST.—The term 'wholesale acquisition cost' has the meaning given that term in section 1847A(c)(6)(B).''.

SEC. 142. STRENGTHENING AND EXPANDING PHARMACY BENEFIT MANAGERS TRANSPARENCY REQUIREMENTS.

Section 1150A of the Social Security Act (42 U.S.C. 1320b–23), as amended by section 122, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) a State plan under title XIX, including a managed care entity (as defined in section 1932(a)(1)(B)),'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking ''(excluding bona fide'' and all that follows through ''patient education programs))''; and

(ii) by striking ''aggregate amount of'' and inserting ''aggregate amount and percentage of'';

(B) in paragraph (3), by striking ''aggregate amount of'' and inserting ''aggregate amount and percentage (defined as a share of gross drug costs) of''; and

(C) by adding at the end the following new paragraph:

''(4) The aggregate amount of bona fide service fees (which include distribution service fees, inventory management fees, product stocking allowances, and fees associated with administrative services agreements and patient care programs (such as medication compliance programs and patient education programs)) the PBM received from—

''(A) PDP sponsors;

''(B) qualified health benefit plans;

''(C) managed care entities (as defined in section 1932(a)(1)(b)); and

''(D) drug manufacturers.'';

(3) in subsection (c), by adding at the end the following new paragraphs:

''(5) To States to carry out their administration and oversight of the State plan under title XIX.

''(6) To the Federal Trade Commission to carry out section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45a) and any other relevant consumer protection or antitrust authorities enforced by such Commission, including reviewing proposed mergers in the prescription drug sector.

''(7) To assist the Department of Justice to carry out its antitrust authorities, including reviewing proposed mergers in the prescription drug sector.''; and

(4) by adding at the end the following new subsection:

''(f) ANNUAL OIG EVALUATION AND REPORT.—

''(1) ANALYSIS.—The Inspector General of the Department of Health and Human Services shall conduct an annual evaluation of the information provided to the Secretary under this section. Such evaluation shall include an analysis of—

''(A) PBM rebates;

''(B) administrative fees;

''(C) the difference between what plans pay PBMs and what PBMs pay pharmacies;

''(D) generic dispensing rates; and

''(E) other areas determined appropriate by the Inspector General.

''(2) REPORT.—Not later than July 1, 2023, and annually thereafter, the Inspector General of the Department of Health and Human Services shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate. Such report shall not disclose the identity of a specific PBM, plan, or price charged for a drug.''.

SEC. 143. PRESCRIPTION DRUG PRICING DASHBOARDS.

Part A of title XI of the Social Security Act is amended by adding at the end the following new section:

''SEC. 1150D. PRESCRIPTION DRUG PRICING DASHBOARDS.

''(a) IN GENERAL.—Beginning not later than January 1, 2023, the Secretary shall establish, and annually update, internet website-based dashboards, through which beneficiaries, clinicians, researchers, and the public can review information on spending for, and utilization of, prescription drugs and biologicals (and related supplies and mechanisms of delivery) covered under each of parts B and D of title XVIII and under a State program under title XIX, including information on trends of such spending and utilization over time.

''(b) MEDICARE PART B DRUG AND BIOLOGICAL DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for part B of title XVIII shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to drug or biologicals covered under such part B:

''(A) The brand name and, if applicable, the generic names of the drug or biological.

''(B) Consumer-friendly information on the uses and clinical indications of the drug or biological.

''(C) The manufacturer or labeler of the drug or biological.

''(D) To the extent feasible, the following information:

''(i) Average total spending per dosage unit of the drug or biological in the most recent 2 calendar years for which data is available.

''(ii) The percentage change in average spending on the drug or biological per dosage unit between the most recent calendar year for which data is available and—

''(I) the preceding calendar year; and

''(II) the preceding 5 and 10 calendar years.

''(iii) The annual growth rate in average spending per dosage unit of the drug or biological in the most recent 5 or 10 calendar years for which data is available.

''(iv) Total spending for the drug or biological for the most recent calendar year for which data is available.

''(v) The number of beneficiaries receiving the drug or biological in the most recent calendar year for which data is available.

''(vi) Average spending on the drug per beneficiary for the most recent calendar year for which data is available.

''(E) The average sales price of the drug or biological (as determined under section 1847A) for the most recent quarter.

''(F) Consumer-friendly information about the coinsurance amount for the drug or biological for beneficiaries for the most recent quarter. Such information shall not include coinsurance amounts for qualified medicare beneficiaries (as defined in section 1905(p)(1)).

''(G) For the most recent calendar year for which data is available—

''(i) the 15 drugs and biologicals with the highest total spending under such part; and

''(ii) any drug or biological for which the average annual per beneficiary spending exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(H) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about drug and biological spending and utilization (including trends of such spending and utilization).

''(c) MEDICARE COVERED PART D DRUG DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for part D of title XVIII shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to covered part D drugs under such part D:

''(A) The information described in subparagraphs (A) through (D) of subsection (b)(2).

''(B) Information on average annual beneficiary out-of-pocket costs below and above the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) for the current plan year. Such information shall not include

out-of-pocket costs for subsidy eligible individuals under section 1860D–14.

''(C) Information on how to access resources as described in sections 1860D–1(c) and 1851(d).

''(D) For the most recent calendar year for which data is available—

''(i) the 15 covered part D drugs with the highest total spending under such part; and

''(ii) any covered part D drug for which the average annual per beneficiary spending exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(E) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about covered part D drug spending and utilization (including trends of such spending and utilization).

''(d) MEDICAID COVERED OUTPATIENT DRUG DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for title XIX shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to covered outpatient drugs under such title:

''(A) The information described in subparagraphs (A) through (D) of subsection (b)(2).

''(B) For the most recent calendar year for which data is available, the 15 covered outpatient drugs with the highest total spending under such title.

''(C) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about covered outpatient drug spending and utilization (including trends of such spending and utilization).

''(e) DATA FILES.—The Secretary shall make available the underlying data for each dashboard established under subsection (a) in a machine-readable format.''.

SEC. 144. IMPROVING COORDINATION BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE CENTERS FOR MEDICARE & MEDICAID SERVICES.

(a) IN GENERAL.—

(1) PUBLIC MEETING.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall convene a public meeting for the purposes of discussing and providing input on improvements to coordination between the Food and Drug Administration and the Centers for Medicare & Medicaid Services in preparing for the availability of novel medical products described in subsection (c) on the market in the United States.

(B) ATTENDEES.—The Secretary shall invite the following to the public meeting:

(i) Representatives of relevant Federal agencies, including representatives from each of the medical product centers within the Food and Drug Administration and representatives from the coding, coverage, and payment offices within the Centers for Medicare & Medicaid Services.

(ii) Stakeholders with expertise in the research and development of novel medical products, including manufacturers of such products.

(iii) Representatives of commercial health insurance payers.

(iv) Stakeholders with expertise in the administration and use of novel medical products, including physicians.

(v) Stakeholders representing patients and with expertise in the utilization of patient experience data in medical product development.

(C) TOPICS.—The public meeting agenda shall include—

(i) an overview of the types of products and product categories in the drug and medical device development pipeline and the volume of products which may meet the description of a novel medical product under subsection (c);

(ii) the anticipated expertise necessary to review the safety and effectiveness of such products at the Food and Drug Administration and current gaps in such expertise, if any;

(iii) the expertise necessary to make coding, coverage, and payment decisions with respect to such products within the Centers for Medicare & Medicaid Services, and current gaps in such expertise, if any;

(iv) trends in the differences in the data necessary to determine the safety and effectiveness of a novel medical product and the data necessary to determine whether a novel medical product meets the reasonable and necessary requirements for coverage and payment under title XVIII of the Social Security Act pursuant to section 1862(a)(1)(A) of such Act (42 U.S.C. 1395y(a)(1)(A));

(v) the availability of information for sponsors of such novel medical products to meet each of those requirements; and

(vi) the coordination of information related to significant clinical improvement over existing therapies for patients between the Food and Drug Administration and the Centers for Medicare & Medicaid Services with respect to novel medical products.

(D) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Nothing under this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code.

(2) IMPROVING TRANSPARENCY OF CRITERIA FOR MEDICARE COVERAGE.—

(A) DRAFT GUIDANCE.—Not later than 18 months after the public meeting under paragraph (1), the Secretary shall update the final guidance titled ''National Coverage Determinations with Data Collection as a Condition of Coverage: Coverage with Evidence Development'' to address any opportunities to improve the availability and coordination of information as described in clauses (iv) through (vi) of paragraph (1)(C).

(B) FINAL GUIDANCE.—Not later than 12 months after issuing draft guidance under subparagraph (A), the Secretary shall finalize the updated guidance to address any such opportunities.

(b) REPORT ON CODING, COVERAGE, AND PAYMENT PROCESSES UNDER MEDICARE FOR NOVEL MEDICAL PRODUCTS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall publish a report on the Internet website of the Department of Health and Human Services regarding processes under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) with respect to the coding, coverage, and payment of novel medical products described in subsection (c). Such report shall include the following:

(1) A description of challenges in the coding, coverage, and payment processes under the Medicare program for novel medical products.

(2) Recommendations to—

(A) incorporate patient experience data (such as the impact of a disease or condition on the lives of patients and patient treatment preferences) into the coverage and payment processes within the Centers for Medicare & Medicaid Services;

(B) decrease the length of time to make national and local coverage determinations under the Medicare program (as those terms are defined in subparagraphs (A) and (B), respectively, of section 1862(l)(6) of the Social Security Act (42 U.S.C. 1395y(l)(6));

(C) streamline the coverage process under the Medicare program and incorporate input from relevant stakeholders into such coverage determinations; and

(D) identify potential mechanisms to incorporate novel payment designs similar to those in development in commercial insurance plans and State plans under title XIX of such Act (42 U.S.C. 1396 et seq.) into the Medicare program.

(c) NOVEL MEDICAL PRODUCTS DESCRIBED.—For purposes of this section, a novel medical product described in this subsection is a drug, including a biological product (including gene and cell therapy), or medical device, that has been designated as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), a breakthrough device under section 515B of such Act (21 U.S.C. 360e–3), or a regenerative advanced therapy under section 506(g) of such Act (21 U.S.C. 356(g)).

SEC. 145. PATIENT CONSULTATION IN MEDICARE NATIONAL AND LOCAL COVERAGE DETERMINATIONS IN ORDER TO MITIGATE BARRIERS TO INCLUSION OF SUCH PERSPECTIVES.

Section 1862(l) of the Social Security Act (42 U.S.C. 1395y(l)) is amended by adding at the end the following new paragraph:

''(7) PATIENT CONSULTATION IN NATIONAL AND LOCAL COVERAGE DETERMINATIONS.—With respect to national coverage determinations, the Secretary, and with respect to local coverage determinations, the Medicare administrative contractor, may consult with patients and organizations representing patients, including patients with disabilities, in making national and local coverage determinations.''.

SEC. 146. GAO STUDY ON INCREASES TO MEDICARE AND MEDICAID SPENDING DUE TO COPAYMENT COUPONS AND OTHER PATIENT ASSISTANCE PROGRAMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the impact of copayment coupons and other patient assistance programs on prescription drug pricing and expenditures within the Medicare and Medicaid programs. The study shall assess the following:

(1) The extent to which copayment coupons and other patient assistance programs contribute to inflated prescription drug prices under such programs.

(2) The impact copayment coupons and other patient assistance programs have in the Medicare Part D program established under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) on utilization of higher-cost brand drugs and lower utilization of generic drugs in that program.

(3) The extent to which manufacturers report or obtain tax benefits, including deductions of business expenses and charitable contributions, for any of the following:

(A) Offering copayment coupons or other patient assistance programs.

(B) Sponsoring manufacturer patient assistance programs.

(C) Paying for sponsorships at outreach and advocacy events organized by patient assistance programs.

(4) The efficacy of oversight conducted to ensure that independent charity patient assistance programs adhere to guidance from the Office of the Inspector General of the Department of Health and Human Services on avoiding waste, fraud, and abuse.

(b) DEFINITIONS.—In this section:

(1) INDEPENDENT CHARITY PATIENT ASSISTANCE PROGRAM.—The term ''independent charity patient assistance program'' means any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and which is not a private foundation (as defined in section 509(a) of such Code) that offers patient assistance.

(2) MANUFACTURER.—The term ''manufacturer'' has the meaning given that term in section 1927(k)(5) of the Social Security Act (42 U.S.C. 1396r–8(k)(5)).

(3) MANUFACTURER PATIENT ASSISTANCE PROGRAM.—The term ''manufacturer patient assistance program'' means an organization, including a private foundation (as so defined), that is sponsored by, or receives funding from, a manufacturer and that offers patient assistance. Such term does not include an independent charity patient assistance program.

(4) PATIENT ASSISTANCE.—The term ''patient assistance'' means assistance provided to offset the cost of drugs for individuals. Such term includes free products, coupons, rebates, copay or discount cards, and other means of providing assistance to individuals related to drug costs, as determined by the Secretary of Health and Human Services.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the findings of the study required under subsection (a).

SEC. 147. MEDPAC REPORT ON SHIFTING COVERAGE OF CERTAIN MEDICARE PART B DRUGS TO MEDICARE PART D.

(a) STUDY.—The Medicare Payment Advisory Commission (in this section referred to as the ''Commission'') shall conduct a study on shifting coverage of certain drugs and biologicals for which payment is currently made under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) to part D of such title (42 U.S.C. 1395w–21 et seq.). Such study shall include an analysis of—

(1) differences in program structures and payment methods for drugs and biologicals covered under such parts B and D, including effects of such a shift on program spending, beneficiary cost-sharing liability, and utilization management techniques for such drugs and biologicals; and

(2) the feasibility and policy implications of shifting coverage of drugs and biologicals for which payment is currently made under such part B to such part D.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2023, the Commission shall submit to Congress a report containing the results of the study conducted under subsection (a).

(2) CONTENTS.—The report under paragraph (1) shall include information, and recommendations as the Commission deems appropriate, regarding—

(A) formulary design under such part D;

(B) the ability of the benefit structure under such part D to control total spending on drugs and biologicals for which payment is currently made under such part B;

(C) changes to the bid process under such part D, if any, that may be necessary to integrate coverage of such drugs and biologicals into such part D; and

(D) any other changes to the program that Congress should consider in determining whether to shift coverage of such drugs and biologicals from such part B to such part D.

SEC. 148. TAKING STEPS TO FULFILL TREATY OBLIGATIONS TO TRIBAL COMMUNITIES.

(a) GAO STUDY.—The Comptroller General shall conduct a study regarding access to, and the cost of, prescription drugs among Indians. The study shall include—

(1) a review of what Indian health programs pay for prescription drugs on reservations, in urban centers, and in Tribal communities relative to other consumers;

(2) recommendations to align the value of prescription drug discounts available under the Medicaid drug rebate program established under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) with prescription drug discounts available to Tribal communities through the purchased/referred care program of the Indian Health Service for physician administered drugs; and

(3) an examination of how Tribal communities and urban Indian organizations utilize the Medicare part D program established under title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) and recommendations to improve enrollment among Indians in that program.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(c) DEFINITIONS.—In this section:

(1) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(2) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE.—The terms ''Indian'', ''Indian health program'', and ''Indian tribe'' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

TITLE II—MEDICAID DRUG PRICING REFORMS

SEC. 201. MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE IMPROVEMENTS.

(a) IN GENERAL.—Subparagraph (A) of section 1927(d)(4) of the Social Security Act (42 U.S.C. 1396r–8(d)(4)) is amended to read as follows:

''(A)(i) The formulary is developed and reviewed by a pharmacy and therapeutics committee consisting of physicians, pharmacists, and other appropriate individuals appointed by the Governor of the State.

''(ii) Subject to clause (vi), the State establishes and implements a conflict of interest policy for the pharmacy and therapeutics committee that—

''(I) is publicly accessible;

''(II) requires all committee members to complete, on at least an annual basis, a disclosure of relationships, associations, and financial dealings that may affect their independence of judgement in committee matters; and

''(III) contains clear processes, such as recusal from voting or discussion, for those members who report a conflict of interest, along with appropriate processes to address any instance where a member fails to report a conflict of interest.

''(iii) The membership of the pharmacy and therapeutics committee—

''(I) is made publicly available;

''(II) is composed of members who are independent and free of any conflict, including with respect to manufacturers, medicaid managed care entities, and pharmacy benefit managers; and

''(III) includes at least 1 actively practicing physician and at least 1 actively practicing pharmacist, each of whom has expertise in the care of 1 or more Medicaid-specific populations such as elderly or disabled individuals, children with complex medical needs, or low-income individuals with chronic illnesses.

''(iv) At the option of the State, the State's drug use review board established under subsection (g)(3) may serve as the pharmacy and therapeutics committee provided the State ensures that such board meets the requirements of clauses (ii) and (iii).

''(v) The State reviews and has final approval of the formulary established by the pharmacy and therapeutics committee.

''(vi) If the Secretary determines it appropriate or necessary based on the findings and recommendations of the Comptroller General of the United States in the report submitted to Congress under section 203 of the Prescription Drug Pricing Reduction Act of 2022, the Secretary shall issue guidance that States must follow for establishing conflict of interest policies for the pharmacy and therapeutics committee in accordance with the requirements of clause (ii), including appropriate standards and requirements for identifying, addressing, and reporting on conflicts of interest.''.

(b) APPLICATION TO MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Clause (xiii) of section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) by striking ''and (III)'' and inserting ''(III)'';

(B) by striking the period at the end and inserting '', and (IV) any formulary used by the entity for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity is developed and reviewed by a pharmacy and therapeutics committee that meets the requirements of clauses (ii) and (iii) of section 1927(d)(4)(A).''; and

(C) by moving the left margin 2 ems to the left.

(2) APPLICATION TO PIHPS AND PAHPS.—Section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)) is amended by adding at the end the following new paragraph:

''(10) No payment shall be made under this title to a State with respect to expenditures incurred by the State for payment for services provided by an other specified entity (as defined in paragraph (9)(D)(iii)) unless such services are provided in accordance with a contract between the State and the entity which satisfies the requirements of paragraph (2)(A)(xiii).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 202. IMPROVING REPORTING REQUIREMENTS AND DEVELOPING STANDARDS FOR THE USE OF DRUG USE REVIEW BOARDS IN STATE MEDICAID PROGRAMS.

(a) IN GENERAL.—Section 1927(g)(3) of the Social Security Act (42 U.S.C. 1396r–8(g)(3)) is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The membership of the DUR Board shall include health care professionals who have recognized knowledge and expertise in one or more of the following:

''(I) The clinically appropriate prescribing of covered outpatient drugs.

''(II) The clinically appropriate dispensing and monitoring of covered outpatient drugs.

''(III) Drug use review, evaluation, and intervention.

''(IV) Medical quality assurance.

''(ii) MEMBERSHIP REQUIREMENTS.—The membership of the DUR Board shall—

''(I) be made publicly available;

''(II) be composed of members who are independent and free of any conflict, including with respect to manufacturers, medicaid managed care entities, and pharmacy benefit managers;

''(III) be made up of at least ⅓ but no more than 51 percent members who are licensed and actively practicing physicians and at least ⅓ members who are licensed and actively practicing pharmacists; and

''(IV) include at least 1 actively practicing physician and at least 1 actively practicing pharmacist, each of whom has expertise in the care of 1 or more Medicaid-specific populations such as elderly or disabled individuals, children with complex medical needs, or low-income individuals with chronic illnesses.

''(iii) CONFLICT OF INTEREST POLICY.—The State shall establish and implement a conflict of interest policy for the DUR Board that—

''(I) is publicly accessible;

''(II) requires all board members to complete, on at least an annual basis, a disclosure of relationships, associations, and financial dealings that may affect their independence of judgement in board matters; and

''(III) contains clear processes, such as recusal from voting or discussion, for those members who report a conflict of interest, along with appropriate processes to address any instance where a member fails to report a conflict of interest.''; and

(2) by adding at the end the following new subparagraph:

''(E) DUR BOARD MEMBERSHIP REPORTS.—

''(i) DUR BOARD REPORTS.—Each State shall require the DUR Board to prepare and submit to the State an annual report on the DUR Board membership. Each such report shall include any conflicts of interest with respect to members of the DUR Board that the DUR Board recorded or was aware of during the period that is the subject of the report, and the process applied to address such conflicts of interest, in addition to any other information required by the State.

''(ii) INCLUSION OF DUR BOARD MEMBERSHIP INFORMATION IN STATE REPORTS.—Each annual State report to the Secretary required under subparagraph (D) shall include—

''(I) the number of individuals serving on the State's DUR Board;

''(II) the names and professions of the individuals serving on such DUR Board;

''(III) any conflicts of interest or recusals with respect to members of such DUR Board reported by the DUR Board or that the State was aware of during the period that is the subject of the report; and

''(IV) whether the State has elected for such DUR Board to serve as the committee responsible for developing a State formulary under subsection (d)(4)(A).''.

(b) MANAGED CARE REQUIREMENTS.—Section 1932(i) of the Social Security Act (42 U.S.C. 1396u–2(i)) is amended—

(1) by inserting ''and each contract under a State plan with an other specified entity (as defined in section 1903(m)(9)(D)(iii))'' after ''under section 1903(m)'';

(2) by striking ''section 483.3(s)(4)'' and inserting ''section 438.3(s)(4)'';

(3) by striking ''483.3(s)(5)'' and inserting ''438.3(s)(5)''; and

(4) by adding at the end the following: ''Such a managed care entity or other specified entity shall not be considered to be in compliance with the requirement of such section 438.3(s)(5) that the entity provide a detailed description of its drug utilization review activities unless the entity includes a description of the prospective drug review activities described in paragraph (2)(A) of section 1927(g) and the activities listed in paragraph (3)(C) of section 1927(g), makes the underlying drug utilization review data available to the State and the Secretary, and provides such other information as deemed appropriate by the Secretary.''.

(c) DEVELOPMENT OF NATIONAL STANDARDS FOR MEDICAID DRUG USE REVIEW.—The Secretary of Health and Human Services may promulgate regulations or guidance establishing national standards for Medicaid drug use review programs under section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(g)) and drug utilization review activities and requirements under section 1932(i) of such Act (42 U.S.C. 1396u–2(i)), for the purpose of aligning review criteria for prospective and retrospective drug use review across all State Medicaid programs.

(d) CMS GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance—

(1) outlining steps that States must take to come into compliance with statutory and regulatory requirements for prospective and retrospective drug use review under section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(g)) and drug utilization review activities and requirements under section 1932(i) of such Act (42 U.S.C. 1396u–2(i)) (including with respect to requirements that were in effect before the date of enactment of this Act); and

(2) describing the actions that the Secretary will take to enforce such requirements.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 18 months after the date of enactment of this Act.

SEC. 203. GAO REPORT ON CONFLICTS OF INTEREST IN STATE MEDICAID PROGRAM DRUG USE REVIEW BOARDS AND PHARMACY AND THERAPEUTICS (P&T) COMMITTEES.

(a) INVESTIGATION.—The Comptroller General of the United States shall conduct an investigation of potential or existing conflicts of interest among members of State Medicaid program State drug use review boards (in this section referred to as ''DUR Boards'') and pharmacy and therapeutics committees (in this section referred to as ''P&T Committees'').

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the investigation conducted under subsection (a) that includes the following:

(1) A description outlining how DUR Boards and P&T Committees operate in States, including details with respect to—

(A) the structure and operation of DUR Boards and statewide P&T Committees;

(B) States that operate separate P&T Committees for their fee-for-service Medicaid program and their Medicaid managed care organizations or other Medicaid managed care arrangements (including other specified entities (as defined in section 1903(m)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1396b(m)(9)(D)(iii)) and collectively referred to in this section as ''Medicaid MCOs''); and

(C) States that allow Medicaid MCOs to have their own P&T Committees and the extent to which pharmacy benefit managers administer or participate in such P&T Committees.

(2) A description outlining the differences between DUR Boards established in accordance with section 1927(g)(3) of the Social Security Act (42 U.S.C. 1396r(g)(3)) and P&T Committees.

(3) A description outlining the tools P&T Committees may use to determine Medicaid drug coverage and utilization management policies.

(4) An analysis of whether and how States or P&T Committees establish participation and independence requirements for DUR Boards and P&T Committees, including with respect to entities with connections with drug manufacturers, State Medicaid programs, managed care organizations, and other entities or individuals in the pharmaceutical industry.

(5) A description outlining how States, DUR Boards, or P&T Committees define conflicts of interest.

(6) A description of how DUR Boards and P&T Committees address conflicts of interest, including who is responsible for implementing such policies.

(7) A description of the tools, if any, States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees.

(8) An analysis of the effectiveness of tools States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees and, if applicable, recommendations as to how such tools could be improved.

(9) A review of strategies States may use to guard against conflicts of interest on DUR Boards and P&T Committees and to ensure compliance with the requirements of titles XI and XIX of the Social Security Act (42 U.S.C. 1301 et seq., 1396 et seq.) and access to effective, clinically appropriate, and medically necessary drug treatments for Medicaid beneficiaries, including recommendations for such legislative and administrative actions as the Comptroller General determines appropriate.

SEC. 204. ENSURING THE ACCURACY OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION UNDER THE MEDICAID DRUG REBATE PROGRAM.

(a) AUDIT OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1927(b)(3) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) is amended to read as follows:

''(B) AUDITS AND SURVEYS OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION.—

''(i) AUDITS.—The Secretary shall conduct regular audits of the price and drug product information reported by manufacturers under subparagraph (A) for the most recently ended rebate period to ensure the accuracy and timeliness of such information. In conducting such audits, the Secretary may employ evaluations, surveys, statistical sampling, predictive analytics and other relevant tools and methods.

''(ii) VERIFICATIONS SURVEYS OF AVERAGE MANUFACTURER PRICE AND MANUFACTURER'S AVERAGE SALES PRICE.—In addition to the audits required under clause (i), the Secretary may survey wholesalers and manufacturers (including manufacturers that directly distribute their covered outpatient drugs (in this subparagraph referred to as 'direct sellers')), when necessary, to verify manufacturer prices and manufacturer's average sales prices (including wholesale acquisition cost) to make payment reported under subparagraph (A).

''(iii) PENALTIES.—In addition to other penalties as may be prescribed by law, including under subparagraph (C) of this paragraph, the Secretary may impose a civil monetary penalty in an amount not to exceed $185,000 on an annual basis on a wholesaler, manufacturer, or direct seller, if the wholesaler, manufacturer, or direct seller of a covered outpatient drug refuses a request for information about charges or prices by the Secretary in connection with an audit or survey under this subparagraph or knowingly provides false information. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(iv) REPORTS.—

''(I) REPORT TO CONGRESS.—The Secretary shall, not later than 18 months after date of enactment of this subparagraph, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate regarding additional regulatory or statutory changes that may be required in order to ensure accurate and timely reporting and oversight of manufacturer price and drug product information, including whether changes should be made to reasonable assumption requirements to ensure such assumptions are reasonable and accurate or whether another methodology for ensuring accurate and timely reporting of price and drug product information should be considered to ensure the integrity of the drug rebate program under this section.

''(II) ANNUAL REPORTS.—The Secretary shall, on at least an annual basis, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate summarizing the results of the audits and surveys conducted under this subparagraph during the period that is the subject of the report.

''(III) CONTENT.—Each report submitted under subclause (II) shall, with respect to the period that is the subject of the report, include summaries of—

''(aa) error rates in the price, drug product, and other relevant information supplied by manufacturers under subparagraph (A);

''(bb) the timeliness with which manufacturers, wholesalers, and direct sellers provide information required under subparagraph (A) or under clause (i) or (ii) of this subparagraph;

''(cc) the number of manufacturers, wholesalers, and direct sellers and drug products audited under this subparagraph;

''(dd) the types of price and drug product information reviewed under the audits conducted under this subparagraph;

''(ee) the tools and methodologies employed in such audits;

''(ff) the findings of such audits, including which manufacturers, if any, were penalized under this subparagraph; and

''(gg) such other relevant information as the Secretary shall deem appropriate.

''(IV) PROTECTION OF INFORMATION.—In preparing a report required under subclause (II), the Secretary shall redact such proprietary information as the Secretary determines appropriate to prevent disclosure of, and to safeguard, such information.

''(v) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary $2,000,000 for fiscal year 2022 and each fiscal year thereafter to carry out this subparagraph.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

(b) INCREASED PENALTIES FOR NONCOMPLIANCE WITH REPORTING REQUIREMENTS.—

(1) INCREASED PENALTY FOR FAILURE TO PROVIDE TIMELY INFORMATION.—Section 1927(b)(3)(C)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(C)(i)) is amended by striking ''increased by $10,000 for each day in which such information has not been provided and such amount shall be paid to the Treasury'' and inserting '', for each covered outpatient drug with respect to which such information is not provided, $50,000 for the first day that such information is not provided on a timely basis and $19,000 for each subsequent day that such information is not provided (with such amounts being paid to the Treasury),''.

(2) INCREASED PENALTY FOR KNOWINGLY REPORTING FALSE INFORMATION.—Section 1927(b)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(C)(ii)) is amended by striking ''$100,000'' and inserting ''$500,000''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to affect the application of the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) to any civil penalty amount under section 1927 of the Social Security Act (42 U.S.C. 1396r–8).

SEC. 205. APPLYING MEDICAID DRUG REBATE REQUIREMENT TO DRUGS PROVIDED AS PART OF OUTPATIENT HOSPITAL SERVICES.

(a) IN GENERAL.—Section 1927(k)(3) of the Social Security Act (42 U.S.C. 1396r–8(k)(3)) is amended to read as follows:

''(3) LIMITING DEFINITION.—

''(A) IN GENERAL.—The term 'covered outpatient drug' does not include any drug, biological product, or insulin provided as part of, or as incident to and in the same setting as, any of the following (and for which payment may be made under this title as part of payment for the following and not as direct reimbursement for the drug):

''(i) Inpatient hospital services.

''(ii) Hospice services.

''(iii) Dental services, except that drugs for which the State plan authorizes direct reimbursement to the dispensing dentist are covered outpatient drugs.

''(iv) Physicians' services.

''(v) Outpatient hospital services.

''(vi) Nursing facility services and services provided by an intermediate care facility for the mentally retarded.

''(vii) Other laboratory and x-ray services.

''(viii) Renal dialysis.

''(B) OTHER EXCLUSIONS.—Such term also does not include any such drug or product for which a National Drug Code number is not required by the Food and Drug Administration or a drug or biological used for a medical indication which is not a medically accepted indication.

''(C) STATE OPTION.—At the option of a State, such term may include any drug, biological product, or insulin provided on an outpatient basis as part of, or as incident to and in the same setting as, services described in clause (iv) or (v) of subparagraph (A) (such as a drug, biological product, or insulin being provided as part of a bundled payment).

''(D) NO EFFECT ON BEST PRICE.—Any drug, biological product, or insulin excluded from the definition of such term as a result of this paragraph shall be treated as a covered outpatient drug for purposes of determining the best price (as defined in subsection (c)(1)(C)) for such drug, biological product, or insulin.''.

(b) EFFECTIVE DATE; IMPLEMENTATION GUIDANCE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

(2) IMPLEMENTATION AND GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance and relevant informational bulletins for States, manufacturers (as defined in section 1927(k)(5) of the Social Security Act (42 U.S.C. 1396r–8(k)(5)), and other relevant stakeholders, including health care providers, regarding implementation of the amendment made by subsection (a).

SEC. 206. IMPROVING TRANSPARENCY AND PREVENTING THE USE OF ABUSIVE SPREAD PRICING AND RELATED PRACTICES IN MEDICAID.

(a) PASS-THROUGH PRICING REQUIRED.—

(1) IN GENERAL.—Section 1927(e) of the Social Security Act (42 U.S.C. 1396r–8(e)) is amended by adding at the end the following:

''(6) PASS-THROUGH PRICING REQUIRED.—A contract between the State and a pharmacy benefit manager (referred to in this paragraph as a 'PBM'), or a contract between the State and a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D)) that includes provisions making the entity responsible for coverage of covered outpatient drugs dispensed to individuals enrolled with the entity, shall require that payment for such drugs (excluding, at the option of the State, any drug that is subject to an agreement under section 340B of the Public Health Service Act) and related administrative services (as applicable), including payments made by a PBM on behalf of the State or entity, is based on a pass-through pricing model under which—

''(A) any payment made by the entity or the PBM (as applicable) for such a drug—

''(i) is limited to—

''(I) ingredient cost; and

''(II) a professional dispensing fee that is not less than the professional dispensing fee that the State plan or waiver would pay if the plan or waiver was making the payment directly;

''(ii) is passed through in its entirety by the entity or PBM to the pharmacy that dispenses the drug; and

''(iii) is made in a manner that is consistent with section 1902(a)(30)(A) and sections 447.512, 447.514, and 447.518 of title 42, Code of Federal Regulations (or any successor regulation) as if such requirements applied directly to the entity or the PBM;

''(B) payment to the entity or the PBM (as applicable) for administrative services performed by the entity or PBM is limited to a reasonable administrative fee that covers the reasonable cost of providing such services;

''(C) the entity or the PBM (as applicable) shall make available to the State, and the Secretary upon request, all costs and payments related to covered outpatient drugs and accompanying administrative services incurred, received, or made by the entity or the PBM, including ingredient costs, professional dispensing fees, administrative fees, post-sale and post-invoice fees, discounts, or related adjustments such as direct and indirect remuneration fees, and any and all other remuneration; and

''(D) any form of spread pricing whereby any amount charged or claimed by the entity or the PBM (as applicable) is in excess of the amount paid to the pharmacies on behalf of the entity, including any post-sale or post-invoice fees, discounts, effective rate contract adjustments, or related adjustments such as direct and indirect remuneration fees or assessments (after allowing for a reasonable administrative fee as described in subparagraph (B)) is not allowable for purposes of claiming Federal matching payments under this title.''.

(2) CONFORMING AMENDMENT.—Section 1903(m)(2)(A)(xiii) of such Act (42 U.S.C. 1396b(m)(2)(A)(xiii)), as amended by section 201(b)(1), is amended—

(A) by striking ''and (IV)'' and inserting ''(IV)''; and

(B) by inserting before the period at the end the following: '', and (V) pharmacy benefit management services provided by the entity, or provided by a pharmacy benefit manager on behalf of the entity under a contract or other arrangement between the entity and the pharmacy benefit manager, shall

comply with the requirements of section 1927(e)(6)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply to contracts between States and managed care entities, other specified entities, or pharmacy benefits managers that are entered into or renewed on or after the date that is 18 months after the date of enactment of this Act.

(b) SURVEY OF RETAIL PRICES.—

(1) IN GENERAL.—Section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)) is amended—

(A) by striking ''and'' after the semicolon at the end of paragraph (1)(A)(i) and all that precedes it through ''(1)'' and inserting the following:

''(1) SURVEY OF RETAIL PRICES.—The Secretary shall conduct a survey of retail community drug prices, to include at least the national average drug acquisition cost, as follows:

''(A) USE OF VENDOR.—The Secretary may contract services for—

''(i) with respect to retail community pharmacies, the determination on a monthly basis of retail survey prices of the national average drug acquisition cost for covered outpatient drugs for such pharmacies, net of all discounts and rebates (to the extent any information with respect to such discounts and rebates is available), the average reimbursement received for such drugs by such pharmacies from all sources of payment, including third parties, and, to the extent available, the usual and customary charges to consumers for such drugs; and'';

(B) by adding at the end of paragraph (1) the following:

''(F) SURVEY REPORTING.—In order to meet the requirement of section 1902(a)(54), a State shall require that any retail community pharmacy in the State that receives any payment, administrative fee, discount, or rebate related to the dispensing of covered outpatient drugs to individuals receiving benefits under this title, regardless of whether such payment, fee, discount, or rebate is received from the State or a managed care entity directly or from a pharmacy benefit manager or another entity that has a contract with the State or a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D)), shall respond to surveys of retail prices conducted under this subsection.

''(G) SURVEY INFORMATION.—Information on retail community prices obtained under this paragraph shall be made publicly available and shall include at least the following:

''(i) The monthly response rate of the survey including a list of pharmacies not in compliance with subparagraph (F).

''(ii) The sampling frame and number of pharmacies sampled monthly.

''(iii) Characteristics of reporting pharmacies, including type (such as independent or chain), geographic or regional location, and dispensing volume.

''(iv) Reporting of a separate national average drug acquisition cost for each drug for independent retail pharmacies and chain operated pharmacies.

''(v) Information on price concessions including on and off invoice discounts, rebates, and other price concessions.

''(vi) Information on average professional dispensing fees paid.

''(H) PENALTIES.—

''(i) FAILURE TO PROVIDE TIMELY INFORMATION.—A retail community pharmacy that knowingly fails to respond to a survey conducted under this subsection on a timely basis may be subject to a civil monetary penalty in an amount not to exceed $10,000 for each day in which such information has not been provided.

''(ii) FALSE INFORMATION.—A retail community pharmacy that knowingly provides false information in response to a survey conducted under this subsection may be subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information.

''(iii) OTHER PENALTIES.—Any civil money penalties imposed under this subparagraph shall be in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(I) REPORT ON SPECIALTY DRUGS AND PHARMACIES.—

''(i) IN GENERAL.—Not later than 18 months after the effective date of this subparagraph, the Secretary shall submit a report to Congress examining specialty drug coverage and reimbursement under this title.

''(ii) CONTENT OF REPORT.—Such report shall include a description of how State Medicaid programs define specialty drugs, how much State Medicaid programs pay for specialty drugs, how States and managed care plans determine payment for specialty drugs, the settings in which specialty drugs are dispensed (such as retail community pharmacies or specialty pharmacies), whether acquisition costs for specialty drugs are captured in the national average drug acquisition cost survey, and recommendations as to whether specialty pharmacies should be included in the survey of retail prices to ensure national average drug acquisition costs capture drugs sold at specialty pharmacies and how such specialty pharmacies should be defined.'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting '', including payment rates under Medicaid managed care plans,'' after ''under this title''; and

(ii) in subparagraph (B), by inserting ''and the basis for such dispensing fees'' before the semicolon; and

(D) in paragraph (4), by inserting '', and $5,000,000 for fiscal year 2023 and each fiscal year thereafter,'' after ''2010''.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the 1st day of the 1st quarter that begins on or after the date that is 18 months after the date of enactment of this Act.

(c) MANUFACTURER REPORTING OF WHOLESALE ACQUISITION COST.—Section 1927(b)(3) of such Act (42 U.S.C. 1396r–8(b)(3)) is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (I), by striking ''and'' after the semicolon;

(B) in subclause (II), by adding ''and'' after the semicolon;

(C) by moving the left margins of subclause (I) and (II) 2 ems to the right; and

(D) by adding at the end the following:

''(III) in the case of rebate periods that begin on or after the date of enactment of this subclause, on the wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for covered outpatient drugs for the rebate period under the agreement (including for all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act);''; and

(2) in subparagraph (D)—

(A) in the matter preceding clause (i), by inserting ''and clause (viii) of this subparagraph'' after ''1847A'';

(B) in clause (vi), by striking ''and'' after the comma;

(C) in clause (vii), by striking the period and inserting '', and''; and

(D) by inserting after clause (vii) the following:

''(viii) to the Secretary to disclose (through a website accessible to the public) the most recently reported wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for each covered outpatient drug (including for all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act), as reported under subparagraph (A)(i)(III).''.

SEC. 207. T–MSIS DRUG DATA ANALYTICS REPORTS.

(a) IN GENERAL.—Not later than May 1 of each calendar year beginning with calendar year 2023, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall publish on a website of the Centers for Medicare & Medicaid Services that is accessible to the public a report of the most recently available data on patterns related to prescriptions filled by providers and reimbursed under the Medicaid program.

(b) CONTENT OF REPORT.—

(1) REQUIRED CONTENT.—Each report required under subsection (a) for a calendar year shall include the following information with respect to each State (and, to the extent available, with respect to Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa):

(A) A comparison of covered outpatient drug (as defined in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2))) prescribing patterns under the State Medicaid plan or waiver of such plan (including drugs prescribed on a fee-for-service basis and drugs prescribed under managed care arrangements under such plan or waiver)—

(i) across all available forms or models of reimbursement used under the plan or waiver;

(ii) within specialties and subspecialties, as defined by the Secretary;

(iii) by episodes of care for—

(I) each chronic disease category, as defined by the Secretary, that is represented in the 10 conditions that accounted for the greatest share of total spending under the plan or waiver during the year that is the subject of the report;

(II) procedural groupings; and

(III) rare disease diagnosis codes (except where the inclusion of such information would jeopardize the privacy of an individual, as determined by the Secretary);

(iv) by patient demographic characteristics, including race (to the extent that the Secretary determines that there is sufficient data available with respect to such characteristic in a majority of States and that inclusion of such characteristic would not jeopardize the privacy of the individual), gender, and age;

(v) by patient high-utilizer or risk status; and

(vi) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(B) In the case of medical assistance for covered outpatient drugs (as so defined) provided under a State Medicaid plan or waiver of such plan in a managed care setting, an analysis of the differences in managed care prescribing patterns when a covered outpatient drug is prescribed in a managed care setting as compared to when the drug is prescribed in a fee-for-service setting.

(2) ADDITIONAL CONTENT.—To the extent available, a report required under subsection (a) for a calendar year may include State-specific information about prescription utilization management tools under State Medicaid plans or waivers of such plans, including—

(A) a description of prescription utilization management tools under State programs to provide long-term services and supports under a State Medicaid plan or a waiver of such plan;

(B) a comparison of prescription utilization management tools applicable to populations covered under a State Medicaid plan waiver under section 1115 of the Social Security Act (42 U.S.C. 1315) and the models applicable to populations that are not covered under the waiver;

(C) a comparison of the prescription utilization management tools employed by different Medicaid managed care organizations, pharmacy benefit managers, and related entities within the State;

(D) a comparison of the prescription utilization management tools applicable to each enrollment category under a State Medicaid plan or waiver; and

(E) a comparison of the prescription utilization management tools applicable under the State Medicaid plan or waiver by patient high-utilizer or risk status.

(3) ADDITIONAL ANALYSIS.—To the extent practicable, the Secretary shall include in each report published under subsection (a)—

(A) analyses of national, State, and local patterns of Medicaid population-based prescribing behaviors (including an analysis of the impact of non-filled prescriptions on identifying such patterns); and

(B) recommendations for administrative or legislative action to improve the effectiveness of, and reduce costs for, covered outpatient drugs under Medicaid while ensuring timely beneficiary access to medically necessary covered outpatient drugs.

(c) USE OF T–MSIS DATA.—Each report required under subsection (a) shall, to the extent practicable—

(1) be prepared using data and definitions from the Transformed Medicaid Statistical Information System (''T–MSIS'') data set (or a successor data set) that is not more than 24 months old on the date that the report is published; and

(2) as appropriate, include a description with respect to each State of the quality and completeness of the data, as well as any necessary caveats describing the limitations of the data reported to the Secretary by the State that are sufficient to communicate the appropriate uses for the information.

(d) PREPARATION OF REPORT.—Each report required under subsection (a) shall be prepared by the Administrator for the Centers for Medicare & Medicaid Services.

(e) APPROPRIATION.—For fiscal year 2022 and each fiscal year thereafter, there is appropriated to the Secretary $2,000,000 to carry out this section.

SEC. 208. RISK-SHARING VALUE-BASED PAYMENT AGREEMENTS FOR COVERED OUTPATIENT DRUGS UNDER MEDICAID.

(a) IN GENERAL.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended by adding at the end the following new subsection:

''(l) STATE OPTION TO PAY FOR COVERED OUTPATIENT DRUGS THROUGH RISK-SHARING VALUE-BASED AGREEMENTS.—

''(1) IN GENERAL.—Beginning January 1, 2024, a State shall have the option to pay (whether on a fee-for-service or managed care basis) for covered outpatient drugs that are potentially curative treatments intended for one-time use that are administered to individuals under this title by entering into a risk-sharing value-based payment agreement with the manufacturer of the drug in accordance with the requirements of this subsection.

''(2) SECRETARIAL APPROVAL.—

''(A) IN GENERAL.—A State shall submit a request to the Secretary to enter into a risk-sharing value-based payment agreement, and the Secretary shall not approve a proposed risk-sharing value-based payment agreement between a State and a manufacturer for payment for a covered outpatient drug of the manufacturer unless the following requirements are met:

''(i) MANUFACTURER HAS IN EFFECT A REBATE AGREEMENT AND IS IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS.—The manufacturer has a rebate agreement in effect as required under subsections (a) and (b) of this section and is in compliance with all applicable requirements under this title.

''(ii) NO EXPECTED INCREASE TO PROJECTED NET FEDERAL SPENDING.—

''(I) IN GENERAL.—The Chief Actuary certifies that the projected payments for each covered outpatient drug under a proposed risk-sharing value-based payment agreement is not expected to result in greater estimated Federal spending under this title than the net Federal spending that would result in the absence of such agreement.

''(II) NET FEDERAL SPENDING DEFINED.—For purposes of this subsection, the term 'net Federal spending' means the amount of Federal payments the Chief Actuary estimates would be made under this title for administering a covered outpatient drug to an individual eligible for medical assistance under a State plan or a waiver of such plan, reduced by the amount of all rebates the Chief Actuary estimates would be paid with respect to the administering of such drug, including all rebates under this title and any supplemental or other additional rebates, in the absence of such an agreement.

''(III) INFORMATION.—The Chief Actuary shall make the certifications required under this clause based on the most recently available and reliable drug pricing and product information. The State and manufacturer shall provide the Secretary and the Chief Actuary with all necessary information required to make the estimates needed for such certifications.

''(iii) LAUNCH AND LIST PRICE JUSTIFICATIONS.—The manufacturer submits all relevant information and supporting documentation necessary for pricing decisions as deemed appropriate by the Secretary, which shall be truthful and non-misleading, including manufacturer information and supporting documentation for launch price or list price increases, and any applicable justification required under section 1128L.

''(iv) CONFIDENTIALITY OF INFORMATION; PENALTIES.—The provisions of subparagraphs (C) and (D) of subsection (b)(3) shall apply to a manufacturer that fails to submit the information and documentation required under clauses (ii) and (iii) on a timely basis, or that knowingly provides false or misleading information, in the same manner as such provisions apply to a manufacturer with a rebate agreement under this section.

''(B) CONSIDERATION OF STATE REQUEST FOR APPROVAL.—

''(i) IN GENERAL.—The Secretary shall treat a State request for approval of a risk-sharing value-based payment agreement in the same manner that the Secretary treats a State plan amendment, and subpart B of part 430 of title 42, Code of Federal Regulations, including, subject to clause (ii), the timing requirements of section 430.16 of such title (as in effect on the date of enactment of this subsection), shall apply to a request for approval of a risk-sharing value-based payment agreement in the same manner as such subpart applies to a State plan amendment.

''(ii) TIMING.—The Secretary shall consult with the Commissioner of Food and Drugs as required under subparagraph (C) and make a determination on whether to approve a request from a State for approval of a proposed risk-sharing value-based payment agreement (or request additional information necessary to allow the Secretary to make a determination with respect to such request for approval) within the time period, to the extent practicable, specified in section 430.16 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this subsection), but in no case shall the Secretary take more than 180 days after the receipt of such request for approval or response to such request for additional information to make such a determination (or request additional information).

''(C) CONSULTATION WITH THE COMMISSIONER OF FOOD AND DRUGS.—In considering whether to approve a risk-sharing value-based payment agreement, the Secretary, to the extent necessary, shall consult with the Commissioner of Food and Drugs to determine whether the relevant clinical parameters specified in such agreement are appropriate.

''(3) INSTALLMENT-BASED PAYMENT STRUCTURE.—

''(A) IN GENERAL.—A risk-sharing value-based payment agreement shall provide for a payment structure under which, for every installment year of the agreement (subject to subparagraph (B)), the State shall pay the total installment year amount in equal installments to be paid at regular intervals over a period of time that shall be specified in the agreement.

''(B) REQUIREMENTS FOR INSTALLMENT PAYMENTS.—

''(i) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) for an installment year not later than 30 days after the end of such year.

''(ii) LENGTH OF INSTALLMENT PERIOD.—The period of time over which the State shall make the installment payments described in subparagraph (A) for an installment year shall not be longer than 5 years.

''(iii) NONPAYMENT OR REDUCED PAYMENT OF INSTALLMENTS FOLLOWING A FAILURE TO MEET CLINICAL PARAMETER.—If, prior to the payment date (as specified in the agreement) of any installment payment described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that—

''(I) the installment payment shall not be made; or

''(II) the installment payment shall be reduced by a percentage specified in the agreement that is based on the outcome achieved by the drug relative to the relevant clinical parameter.

''(4) NOTICE OF INTENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), a manufacturer of a covered outpatient drug shall not be eligible to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug unless the manufacturer notifies the Secretary that the manufacturer is interested in entering into such an agreement with respect to such drug. The decision to submit and timing of a request to enter into a proposed risk-sharing value-based payment agreement shall remain solely within the discretion of the State and shall only be effective upon Secretarial approval as required under this subsection.

''(B) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—

''(i) IN GENERAL.—In the case of a manufacturer of a covered outpatient drug designated under section 526 of the Federal Food, Drug, and Cosmetics Act, and approved under section 505 of such Act or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act after the date of enactment of this subsection, not

more than 90 days after meeting with the Food and Drug Administration following phase II clinical trials for such drug (or, in the case of a drug described in clause (ii), not later than March 31, 2022), the manufacturer must notify the Secretary of the manufacturer's intent to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug. If no such meeting has occurred, the Secretary may use discretion as to whether a potentially curative treatment intended for one-time use may qualify for a risk-sharing value-based payment agreement under this section. A manufacturer notification of interest shall not have any influence on a decision for drug approval by the Food and Drug Administration.

''(ii) APPLICATION TO CERTAIN SUBSEQUENTLY APPROVED DRUGS.—A drug described in this clause is a covered outpatient drug of a manufacturer—

''(I) that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act after the date of enactment of this subsection; and

''(II) with respect to which, as of January 1, 2024, more than 90 days have passed after the manufacturer's meeting with the Food and Drug Administration following phase II clinical trials for such drug.

''(iii) PARALLEL APPROVAL.—The Secretary, in coordination with the Administrator of the Centers for Medicare & Medicaid Services and the Commissioner of Food and Drugs, shall, to the extent practicable, approve a State's request to enter into a proposed risk-sharing value-based payment agreement that otherwise meets the requirements of this subsection at the time that such a drug is approved by the Food and Drug Administration to help provide that no State that wishes to enter into such an agreement is required to pay for the drug in full at one time if the State is seeking to pay over a period of time as outlined in the proposed agreement.

''(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be applied or construed to modify or affect the timeframes or factors involved in the Secretary's determination of whether to approve or license a drug under section 505 of the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act.

''(5) SPECIAL PAYMENT RULES.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, with respect to an individual who is administered a unit of a covered outpatient drug that is reimbursed under a State plan by a State Medicaid agency under a risk-sharing value-based payment agreement in an installment year, the State shall remain liable to the manufacturer of such drug for payment for such unit without regard to whether the individual remains enrolled in the State plan under this title (or a waiver of such plan) for each installment year for which the State is to make installment payments for covered outpatient drugs purchased under the agreement in such year.

''(B) DEATH.—In the case of an individual described in subparagraph (A) who dies during the period described in such subparagraph, the State plan shall not be liable for any remaining payment for the unit of the covered outpatient drug administered to the individual which is owed under the agreement described in such subparagraph.

''(C) WITHDRAWAL OF APPROVAL.—In the case of a covered outpatient drug that is the subject of a risk-sharing value-based payment agreement between a State and a manufacturer under this subsection, including a drug approved in accordance with section 506(c) of the Federal Food, Drug, and Cosmetic Act, and such drug is the subject of an application that has been withdrawn by the Secretary, the State plan shall not be liable for any remaining payment that is owed under the agreement.

''(D) ALTERNATIVE ARRANGEMENT UNDER AGREEMENT.—Subject to approval by the Secretary, the terms of a proposed risk-sharing value-based payment agreement submitted for approval by a State may provide that subparagraph (A) shall not apply.

''(E) GUIDANCE.—Not later than January 1, 2024, the Secretary shall issue guidance to States establishing a process for States to notify the Secretary when an individual who is administered a unit of a covered outpatient drug that is purchased by a State plan under a risk-sharing value-based payment agreement ceases to be enrolled under the State plan under this title (or a waiver of such plan) or dies before the end of the installment period applicable to such unit under the agreement.

''(6) TREATMENT OF PAYMENTS UNDER RISK-SHARING VALUE-BASED AGREEMENTS FOR PURPOSES OF AVERAGE MANUFACTURER PRICE; BEST PRICE.—The Secretary shall treat any payments made to the manufacturer of a covered outpatient drug under a risk-sharing value-based payment agreement under this subsection during a rebate period in the same manner that the Secretary treats payments made under a State supplemental rebate agreement under sections 447.504(c)(19) and 447.505(c)(7) of title 42, Code of Federal Regulations (or any successor regulations) for purposes of determining average manufacturer price and best price under this section with respect to the covered outpatient drug and a rebate period and for purposes of offsets required under subsection (b)(1)(B).

''(7) ASSESSMENTS AND REPORT TO CONGRESS.—

''(A) ASSESSMENTS.—

''(i) IN GENERAL.—Not later than 180 days after the end of each assessment period of any risk-sharing value-based payment agreement for a State approved under this subsection, the Secretary shall conduct an evaluation of such agreement which shall include an evaluation by the Chief Actuary to determine whether program spending under the risk-sharing value-based payment agreement aligned with the projections for the agreement made under paragraph (2)(A)(ii), including an assessment of whether actual Federal spending under this title under the agreement was less or more than net Federal spending would have been in the absence of the agreement.

''(ii) ASSESSMENT PERIOD.—For purposes of clause (i)—

''(I) the first assessment period for a risk-sharing value-based payment agreement shall be the period of time over which payments are scheduled to be made under the agreement for the first 10 individuals who are administered covered outpatient drugs under the agreement except that such period shall not exceed the 5-year period after the date on which the Secretary approves the agreement; and

''(II) each subsequent assessment period for a risk-sharing value-based payment agreement shall be the 5-year period following the end of the previous assessment period.

''(B) RESULTS OF ASSESSMENTS.—

''(i) TERMINATION OPTION.—If the Secretary determines as a result of the assessment by the Chief Actuary under subparagraph (A) that the actual Federal spending under this title for any covered outpatient drug that was the subject of the State's risk-sharing value-based payment agreement was greater than the net Federal spending that would have resulted in the absence of the agreement, the Secretary may terminate approval of such agreement and shall immediately conduct an assessment under this paragraph of any other ongoing risk-sharing value-based payment agreement to which the same manufacturer is a party.

''(ii) REPAYMENT REQUIRED.—

''(I) IN GENERAL.—If the Secretary determines as a result of the assessment by the Chief Actuary under subparagraph (A) that the Federal spending under the risk-sharing value-based agreement for a covered outpatient drug that was subject to such agreement was greater than the net Federal spending that would have resulted in the absence of the agreement, the manufacturer shall repay the difference to the State and Federal governments in a timely manner as determined by the Secretary.

''(II) TERMINATION FOR FAILURE TO PAY.—The failure of a manufacturer to make repayments required under subclause (I) in a timely manner shall result in immediate termination of all risk-sharing value-based agreements to which the manufacturer is a party.

''(III) ADDITIONAL PENALTIES.—In the case of a manufacturer that fails to make repayments required under subclause (I), the Secretary may treat such manufacturer in the same manner as a manufacturer that fails to pay required rebates under this section, and the Secretary may—

''(aa) suspend or terminate the manufacturer's rebate agreement under this section; and

''(bb) pursue any other remedy that would be available if the manufacturer had failed to pay required rebates under this section.

''(C) REPORT TO CONGRESS.—Not later than 5 years after the first risk-sharing value-based payment agreement is approved under this subsection, the Secretary shall submit to Congress and make available to the public a report that includes—

''(i) an assessment of the impact of risk-sharing value-based payment agreements on access for individuals who are eligible for benefits under a State plan or waiver under this title to medically necessary covered outpatient drugs and related treatments;

''(ii) an analysis of the impact of such agreements on overall State and Federal spending under this title;

''(iii) an assessment of the impact of such agreements on drug prices, including launch price and price increases; and

''(iv) such recommendations to Congress as the Secretary deems appropriate.

''(8) GUIDANCE AND REGULATIONS.—

''(A) IN GENERAL.—Not later than January 1, 2024, the Secretary shall issue guidance to States seeking to enter into risk-sharing value-based payment agreements under this subsection that includes a model template for such agreements. The Secretary may issue any additional guidance or promulgate regulations as necessary to implement and enforce the provisions of this subsection.

''(B) MODEL AGREEMENTS.—

''(i) IN GENERAL.—If a State expresses an interest in pursuing a risk-sharing value-based payment agreement under this subsection with a manufacturer for the purchase of a covered outpatient drug, the Secretary may share with such State any risk-sharing value-based agreement between a State and the manufacturer for the purchase of such drug that has been approved under this subsection. While such shared agreement may serve as a template for a State that wishes to propose, the use of a previously approved agreement shall not affect the submission and approval process for approval of a proposed risk-sharing value-based payment agreement under this subsection, including the requirements under paragraph (2)(A).

''(ii) CONFIDENTIALITY.—In the case of a risk-sharing value-based payment agreement that is disclosed to a State by the Secretary under this subparagraph and that is only in

effect with respect to a single State, the confidentiality of information provisions described in subsection (b)(3)(D) shall apply to such information.

''(C) OIG CONSULTATION.—

''(i) IN GENERAL.—The Secretary shall consult with the Office of the Inspector General of the Department of Health and Human Services to determine whether there are potential program integrity concerns (including issues related to compliance with sections 1128B and 1877) with agreement approvals or templates and address accordingly.

''(ii) OIG POLICY UPDATES AS NECESSARY.—The Inspector General of the Department of Health and Human Services shall review and update, as necessary, any policies or guidelines of the Office of the Inspector General of the Department of Human Services (including policies related to the enforcement of section 1128B) to accommodate the use of risk-sharing value-based payment agreements in accordance with this section.

''(9) RULES OF CONSTRUCTION.—

''(A) MODIFICATIONS.—Nothing in this subsection or any regulations promulgated under this subsection shall prohibit a State from requesting a modification from the Secretary to the terms of a risk-sharing value-based payment agreement. A modification that is expected to result in any increase to projected net State or Federal spending under the agreement shall be subject to recertification by the Chief Actuary as described in paragraph (2)(A)(ii) before the modification may be approved.

''(B) REBATE AGREEMENTS.—Nothing in this subsection shall be construed as requiring a State to enter into a risk-sharing value-based payment agreement or as limiting or superseding the ability of a State to enter into a supplemental rebate agreement for a covered outpatient drug.

''(C) FFP FOR PAYMENTS UNDER RISK-SHARING VALUE-BASED PAYMENT AGREEMENTS.—Federal financial participation shall be available under this title for any payment made by a State to a manufacturer for a covered outpatient drug under a risk-sharing value-based payment agreement in accordance with this subsection, except that no Federal financial participation shall be available for any payment made by a State to a manufacturer under such an agreement on and after the effective date of a disapproval of such agreement by the Secretary.

''(D) CONTINUED APPLICATION OF OTHER PROVISIONS.—Except as expressly provided in this subsection, nothing in this subsection or in any regulations promulgated under this subsection shall affect the application of any other provision of this Act.

''(10) APPROPRIATIONS.—For fiscal year 2022 and each fiscal year thereafter, there are appropriated to the Secretary $5,000,000 for the purpose of carrying out this subsection.

''(11) DEFINITIONS.—In this subsection:

''(A) CHIEF ACTUARY.—The term 'Chief Actuary' means the Chief Actuary of the Centers for Medicare & Medicaid Services.

''(B) INSTALLMENT YEAR.—The term 'installment year' means, with respect to a risk-sharing value-based payment agreement, a 12-month period during which a covered outpatient drug is administered under the agreement.

''(C) POTENTIALLY CURATIVE TREATMENT INTENDED FOR ONE-TIME USE.—The term 'potentially curative treatment intended for one-time use' means a treatment that consists of the administration of a covered outpatient drug that—

''(i) is a form of gene therapy for a rare disease, as defined by the Commissioner of Food and Drugs, designated under section 526 of the Federal Food, Drug, and Cosmetics Act, and approved under section 505 of such Act or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act to treat a serious or life-threatening disease or condition;

''(ii) if administered in accordance with the labeling of such drug, is expected to result in either—

''(I) the cure of such disease or condition; or

''(II) a reduction in the symptoms of such disease or condition to the extent that such disease or condition is not expected to lead to early mortality; and

''(iii) is expected to achieve a result described in clause (ii), which may be achieved over an extended period of time, after not more than 3 administrations.

''(D) RELEVANT CLINICAL PARAMETER.—The term 'relevant clinical parameter' means, with respect to a covered outpatient drug that is the subject of a risk-sharing value-based payment agreement—

''(i) a clinical endpoint specified in the drug's labeling or supported by one or more of the compendia described in section 1861(t)(2)(B)(ii)(I) that—

''(I) is able to be measured or evaluated on an annual basis for each year of the agreement on an independent basis by a provider or other entity; and

''(II) is required to be achieved (based on observed metrics in patient populations) under the terms of the agreement; or

''(ii) a surrogate endpoint (as defined in section 507(e)(9) of the Federal Food, Drug, and Cosmetic Act), including those developed by patient-focused drug development tools, that—

''(I) is able to be measured or evaluated on an annual basis for each year of the agreement on an independent basis by a provider or other entity; and

''(II) has been qualified by the Food and Drug Administration.

''(E) RISK-SHARING VALUE-BASED PAYMENT AGREEMENT.—The term 'risk-sharing value-based payment agreement' means an agreement between a State plan and a manufacturer—

''(i) for the purchase of a covered outpatient drug of the manufacturer that is a potentially curative treatment intended for one-time use;

''(ii) under which payment for such drug shall be made pursuant to an installment-based payment structure that meets the requirements of paragraph (3);

''(iii) which conditions payment on the achievement of at least 2 relevant clinical parameters (as defined in subparagraph (C));

''(iv) which provides that—

''(I) the State plan will directly reimburse the manufacturer for the drug; or

''(II) a third party will reimburse the manufacture in a manner approved by the Secretary;

''(v) is approved by the Secretary in accordance with paragraph (2).

''(F) TOTAL INSTALLMENT YEAR AMOUNT.—The term 'total installment year amount' means, with respect to a risk-sharing value-based payment agreement for the purchase of a covered outpatient drug and an installment year, an amount equal to the product of—

''(i) the unit price of the drug charged under the agreement; and

''(ii) the number of units of such drug administered under the agreement during such installment year.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(i)(10)(A) of the Social Security Act (42 U.S.C. 1396b(i)(10)(A)) is amended by striking ''or unless section 1927(a)(3) applies'' and inserting '', section 1927(a)(3) applies with respect to such drugs, or such drugs are the subject of a risk-sharing value-based payment agreement under section 1927(l)''.

(2) Section 1927(b) of the Social Security Act (42 U.S.C. 1396r–8(b)) is amended—

(A) in paragraph (1)(A), by inserting ''but excluding any drugs for which payment is made by a State under a risk-sharing value-based payment agreement under subsection (l))'' after ''for coverage of such drugs''; and

(B) in paragraph (3)—

(i) in subparagraph (C)(i), by inserting ''or subsection (l)(2)(A)'' after ''subparagraph (A)''; and

(ii) in subparagraph (D), in the matter preceding clause (i), by inserting '', under subsection (l)(2)(A),'' after ''under this paragraph''.

SEC. 209. MODIFICATION OF MAXIMUM REBATE AMOUNT UNDER MEDICAID DRUG REBATE PROGRAM.

(a) IN GENERAL.—Subparagraph (D) of section 1927(c)(2) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)) is amended to read as follows:

''(D) MAXIMUM REBATE AMOUNT.—

''(i) IN GENERAL.—Except as provided in clause (ii), in no case shall the sum of the amounts applied under paragraph (1)(A)(ii) and this paragraph with respect to each dosage form and strength of a single source drug or an innovator multiple source drug for a rebate period exceed—

''(I) for rebate periods beginning after December 31, 2009, and before September 30, 2024, 100 percent of the average manufacturer price of the drug; and

''(II) for rebate periods beginning on or after October 1, 2024, 125 percent of the average manufacturer price of the drug.

''(ii) NO MAXIMUM AMOUNT FOR DRUGS IF AMP INCREASES OUTPACE INFLATION.—

''(I) IN GENERAL.—If the average manufacturer price with respect to each dosage form and strength of a single source drug or an innovator multiple source drug increases on or after October 1, 2023, and such increased average manufacturer price exceeds the inflation-adjusted average manufacturer price determined with respect to such drug under subclause (II) for the rebate period, clause (i) shall not apply and there shall be no limitation on the sum of the amounts applied under paragraph (1)(A)(ii) and this paragraph for the rebate period, and any subsequent rebate period until the average manufacturer price of the drug is the same or less than the inflation-adjusted average manufacturer price determined with respect to such drug under subclause (II) for the rebate period, with respect to each dosage form and strength of the single source drug or innovator multiple source drug.

''(II) INFLATION-ADJUSTED AVERAGE MANUFACTURER PRICE DEFINED.—In this clause, the term 'inflation-adjusted average manufacturer price' means, with respect to a single source drug or an innovator multiple source drug and a rebate period, the average manufacturer price for each dosage form and strength of the drug for the calendar quarter beginning July 1, 1990 (without regard to whether or not the drug has been sold or transferred to an entity, including a division or subsidiary of the manufacturer, after the 1st day of such quarter), increased by the percentage by which the consumer price index for all urban consumers (United States city average) for the month before the month in which the rebate period begins exceeds such index for September 1990.''.

(b) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—Section 1927(c)(2)(B) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)(B)) is amended by inserting ''and clause (ii)(II) of subparagraph (D)'' after ''clause (ii)(II) of subparagraph (A)''.

(c) TECHNICAL AMENDMENTS.—Section 1927(c)(3)(C)(ii)(IV) of the Social Security Act

(42 U.S.C. 1396r–9(c)(3)(C)(ii)(IV)) is amended—

(1) by striking ''subparagraph (A)'' and inserting ''paragraph (3)(A)''; and

(2) by striking ''this subparagraph'' and inserting ''paragraph (3)(C)''.

SA 5485. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 13301 and insert the following:

SEC. _____. REPEAL OF MODIFICATION OF EXCEPTIONS FOR REPORTING OF THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Section 6050W(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—

''(1) IN GENERAL.—A third party settlement organization shall be required to report any information under subsection (a) with respect to third party network transactions of any participating payee only if—

''(A) the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions exceeds $20,000, and

''(B) the aggregate number of such transactions exceeds 200.

''(2) TERMINATION.—This subsection shall not apply to any return for any calendar year beginning after September 30, 2031.''.

(b) CONFORMING AMENDMENT.—Section 6050W(c)(3) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''In the case of any transaction occurring before September 30, 2031, the preceding sentence shall be applied without regard to 'described in subsection (d)(3)(A)(iii)'.''

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to returns for calendar years beginning after December 31, 2021.

(2) CLARIFICATION.—The amendment made by subsection (b) shall apply to transactions after the date of the enactment of the American Rescue Plan Act of 2021.

SA 5486. Mr. MERKLEY (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 378, strike line 6 and all that follows through page 384, line 5, and insert the following:

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 30D is amended—

(A) by redesignating subsection (g) as subsection (h), and

(B) by inserting after subsection (f) the following:

''(g) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if the taxpayer who acquires a new clean vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

''(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

''(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—

''(i) the manufacturer's suggested retail price,

''(ii) the value of the credit allowed and any other incentive available for the purchase of such vehicle, and

''(iii) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1),

''(C) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

''(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—

''(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

''(ii) such election shall not limit the value or use of such incentive.

''(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

''(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

''(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

''(A) shall not be includible in the gross income of the taxpayer, and

''(B) with respect to the dealer, shall not be deductible under this title.

''(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

''(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,

''(B) paragraph (6) of such subsection shall not apply, and

''(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.

''(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—

''(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

''(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(c)(6) shall apply for purposes of this paragraph.

''(C) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(8) DEALER.—For purposes of this subsection, the term 'dealer' means a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government, or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles.

''(9) INDIAN TRIBAL GOVERNMENT.—For purposes of this subsection, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).''.

(2) CONFORMING AMENDMENTS.—Section 30D, as amended by the preceding provisions of this section, is amended—

(A) in subsection (d)(1)(H) of such section—

(i) in clause (iv), by striking ''and'' at the end,

(ii) in clause (v), by striking the period at the end and inserting '', and'', and

(iii) by adding at the end the following:

''(vi) in the case of a taxpayer who makes an election under subsection (g)(1), any amount described in subsection (g)(2)(C) which has been provided to such taxpayer.'', and

(B) in subsection (f)—

(i) by striking paragraph (3), and

(ii) in paragraph (8), by inserting '', including any vehicle with respect to which the taxpayer elects the application of subsection (g)'' before the period at the end.

(h) EXTENSION OF CREDIT FOR QUALIFIED 2- OR 3- WHEELED PLUG-IN ELECTRIC VEHICLES; TERMINATION.—Section 30D is amended—

(1) in subsection (h)(3), as redesignated by the preceding provisions of this section—

(A) in subparagraph (B), by striking ''4 kilowatt hours'' and inserting ''7 kilowatt hours'', and

(B) by striking subparagraph (E) and inserting the following:

''(E) in the case of a vehicle placed in service after December 31, 2021, the final assembly of which occurs within the United States.''.

SA 5487. Mr. GRAHAM (for himself, Mr. DAINES, Ms. ERNST, Mrs. FISCHER, Mr. PORTMAN, Mr. BARRASSO, and Ms. MURKOWSKI) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

Strike sections 50261 through 50263 and insert the following:

SEC. 50261. MINERAL LEASING ACT MODERNIZATION.

(a) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(B), in the first sentence, by striking ''$2 per acre for a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform

Act of 1987.'' and inserting ''$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''; and

(2) in paragraph (2)(C), by striking ''$2 per acre'' and inserting ''$10 per acre''.

(b) FOSSIL FUEL RENTAL RATES.—

(1) ANNUAL RENTALS.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended, in the first sentence, by striking ''$1.50 per acre'' and all that follows through the period at the end and inserting ''$3 per acre per year during the 2-year period beginning on the date the lease begins for new leases, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and not less than $15 per acre per year thereafter, or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', $3 per acre per year during the 2-year period beginning on the date the lease begins, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and $15 per acre per year thereafter.''.

(2) RENTALS IN REINSTATED LEASES.—Section 31(e)(2) of the Mineral Leasing Act (30 U.S.C. 188(e)(2)) is amended by striking ''$10'' and inserting ''$20''.

(c) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) FEE FOR EXPRESSION OF INTEREST.—

''(1) IN GENERAL.—The Secretary shall assess a nonrefundable fee against any person that, in accordance with procedures established by the Secretary to carry out this subsection, submits an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas.

''(2) AMOUNT OF FEE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the fee assessed under paragraph (1) shall be $5 per acre of the area covered by the applicable expression of interest.

''(B) ADJUSTMENT OF FEE.—The Secretary shall, by regulation, not less frequently than every 4 years, adjust the amount of the fee under subparagraph (A) to reflect the change in inflation.''.

the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(l)(A)) were extracted, processed, or recycled—

''(i) by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(ii) in a country which is subject to an active withhold release order or .finding issued by United States Customs and Border Protection of the Department of Homeland Security, or

''(B) any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled—

''(i) by a foreign entity of concern (as so defined), or

''(ii) in a country which is subject to an active withhold release order or finding issued by United States Customs and Border Protection of the Department of Homeland Security.''.

On page 391, strike line 22 and all that follows through page 393, line 13, and insert the following:

''(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000,

''(ii) in the case of a head of household (as defined in section 2(b)), $112,500, and

''(iii) in the case of a taxpayer not described in clause (i) or (ii), $75,000.

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(11) MANFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of $42,000.''.

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR NARCOTIC AND OPIOID DETECTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, which shall remain available until September 30, 2027, to acquire, deploy, operate, and maintain nonintrusive inspection capabilities, including chemical screening devices, to identify, in an operational environment, synthetic opioids and other narcotics at purity levels that are not more than 10 percent.

(b) USE OF FUNDS.—Amounts appropriated under subsection (a) may also be used—

(1) to train users on the equipment described in subsection (a);

(2) to provide directors of ports of entry with an alternate method for identifying narcotics, including synthetic opioids, at lower purity levels,

(3) to test any new chemical screening devices to understand the abilities and limitations of such devices relating to identifying narcotics at various purity levels before U.S. Customs and Border Protection commits to the acquisition of such devices; and

(4) to modify and upgrade ports of entry to accommodate capabilities funded under this section.

At the end of part 1 of subtitle A of title I, add the following:

SEC. 1010—. ALLOWANCE OF CERTAIN DEDUCTIONS IN DETERMINING APPLICABLE FINANCIAL STATEMENT INCOME.

(a) IN GENERAL.—Section 56A(c), as added by section 10101, is amended by redesignating paragraph (15) as paragraph (16) and by inserting after paragraph (14) the following new paragraph:

''(15) ADJUSTMENT FOR THE PRODUCTION OF OIL, COAL, AND NATURAL GAS AND FOR MINING.—

''(A) IN GENERAL.—Adjusted financial statement income shall be—

''(i) appropriately adjusted to disregard any amount of qualified expense that is taken into account on the taxpayer's applicable financial statement, and

''(ii) reduced by the amount of qualified expenses which are deductible under this chapter to the extent allowed as a deduction in computing taxable income for the taxable year.

''(B) QUALIFIED EXPENSES.—For purposes of this paragraph, the term 'qualified expenses' means—

''(i) any intangible drilling and development costs (within the meaning of section 263(c)),

''(ii) geological and geophysical expenditures (within the meaning of section 167(h)).

''(iii) qualified tertiary inject expenses (as defined in section 193)b)),

''(iv) expenses to which sections 616 and 617 apply, and

''(v) amounts allowable as a depletion deduction under section 611.''.

SEC. 1010—. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Paragraph (6) of section 164(b) is amended by striking '', and before January 1, 2026''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

Strike section 50131 and insert the following:

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

(a) ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

(a) ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

Strike section 50131 and insert the following:

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

(a) ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(A) $330,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with paragraph (2); and

(B) $270,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with paragraph (3).

(2) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under paragraph (1)(A) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt—

(i) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(ii) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

(iii) any combination of building energy codes described in clause (i) or (ii); and

(B) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(3) ZERO ENERGY CODE.—The Secretary shall use funds made available under paragraph (1)(B) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(B) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(4) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy—Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861), shall not apply to assistance provided under this subsection.

(5) ADMINISTRATIVE COSTS.—Of the amounts made available under this subsection, the Secretary shall reserve 5 percent for administrative costs necessary to carry out this subsection.

(b) BLM PERMITTING.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available through September 30, 2026, for the Bureau of Land Management to finalize outstanding permitting activities for projects that would facilitate access to nickel and cobalt deposits.

SA 5488. Mr. WARNER proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

On page 545, strike line 1 and all that follows through page 547, line 17, and insert the following:

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date which is 1 day after the date of enactment of this Act.

SEC. 13902. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ''AMOUNT.—The amount'' and inserting ''AMOUNT.—

''(I) IN GENERAL.—The amount'', and

(2) by adding at the end the following new subclause:

''(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.''.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ''for a taxable year, there shall be allowed'' and inserting ''for a taxable year—

''(A) there shall be allowed'',

(B) by striking ''equal to the'' and inserting ''equal to so much of the'',

(C) by striking the period at the end and inserting ''as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and'', and

(D) by adding at the end the following new subparagraph:

''(B) there shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).''.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'', and

(B) by inserting '', and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,'' after ''calendar quarter''.

(3) CARRYOVER.—Paragraph (3) of section 3111(f) is amended by striking ''the credit'' and inserting ''any credit''.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ''credit'' and inserting ''credits'', and

(B) by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''.

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ''the $250,000 amount'' and inserting ''each of the $250,000 amounts''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13903. REINSTATEMENT OF LIMITATION RULES FOR DEDUCTION FOR STATE AND LOCAL, ETC., TAXES; EXTENSION OF LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.

(a) REINSTATEMENT OF LIMITATION RULES FOR DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.—

(1) IN GENERAL.—Section 164(b)(6), as amended by section 13904, is further amended—

(A) in the heading, by striking ''2026'' and inserting ''2025'', and

(B) by striking ''2027'' and inserting ''2026''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2022.

(b) EXTENSION OF LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.—

(1) IN GENERAL.—Section 461(l)(1) is amended by striking ''January 1, 2027'' each place it appears and inserting ''January 1, 2029''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2026.

PRIVILEGES OF THE FLOOR

Mr. SANDERS. Mr. President, I ask unanimous consent that the following staff members from my staff and from Senator GRAHAM's staff be given all-access floor passes for the consideration of the bill: majority staff: Michael Jones, Joshua Smith, Tyler Evilsizer, Melissa Kaplan-Pistiner, and Billy Gendell; Republican staff: Nick Myers, Matthew Giroux, Matthew Joe Keeley, Becky Cole, and Craig Abele.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, AUGUST 9, 2022, THROUGH TUESDAY, SEPTEMBER 6, 2022

Mr. SCHUMER. Madam President, finally, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma sessions only, with no business being conducted, on the following dates and times and that following each pro forma session, the Senate adjourn until the next pro forma session: Tuesday, August 9, at 9 a.m.; Friday, August 12, at 9 a.m.; Tuesday, August 16, at 8 a.m.; Friday, August 19, at 2:30 p.m.; Tuesday, August 23, at 10:30 a.m.; Friday, August 26, at 10 a.m.; Tuesday, August 30, at 10 a.m.; Friday, September 2, at 9 a.m. I further ask that when the Senate adjourns on Friday, September 2, it next convene at 3 p.m., Tuesday, September 6; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session and resume consideration of the Lee nomination; further, that the cloture motions filed during today's session ripen at 5:30 p.m. on Tuesday, September 6.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. SCHUMER. Madam President, I ask unanimous consent that the senior Senator from Maryland, Mr. CARDIN, be authorized to sign duly enrolled bills or joint resolutions from August 8, 2022, through September 6, 2022.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, AUGUST 9, 2022, AT 9 A.M.

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the provisions of S. Res. 748.

There being no objection, the Senate, at 3:42 p.m., adjourned until Tuesday, August 9, 2022, at 9 a.m., under the previous order and, pursuant to S. Res. 748, as a further mark of respect to the late Jackie Walorski, former Representative from Indiana.

DISCHARGED NOMINATION

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nomination pursuant to S. Res. 27 and the nomination was placed on the Executive Calendar:

DAVID M. UHLMANN, OF MICHIGAN, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 6, 2022:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MONDE MUYANGWA, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

CONSTANCE J. MILSTEIN, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

CONFIRMATION

Executive nomination confirmed by the Senate August 7, 2022: